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EPA

# Agency Operating Guidance

# FY 1992

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# ADMINISTRATOR'S OVERVIEW

This Annual Operating Guidance outlines EPA's programs for fiscal year 1992. It provides an overview of the main objectives for the year for our national programs addressing pollution prevention, enforcement, management, and science. For EPA and state program managers in the field, it indicates priorities and activities that will be tracked by the Strategic Targeted Activities for Results System (STARS). For senior managers, and for Hank Habicht and me, STARS is an important quarterly indicator of EPA's progress, helping us measure our accomplishments, as well as uncover problems requiring greater attention. We are committed to continuous improvement of this system to ensure it is meaningful to all of our work.

We are at a critical juncture in our Agency's history and in our efforts to protect human health and the environment. Consensus is building for a new approach to environmental protection, an approach that integrates the different elements of environmental management. This approach incorporates environmental considerations into all aspects of decision making. It is also expanding the policy and programmatic options open to us. Today, EPA is in a unique position to assure that the United States remains a leader in promoting and following environmentally sound decisions.

During the past two decades, we have relied on traditional end-of-pipe, regulatory approaches, and they have yielded substantial results. Today, as concern about environmental degradation spreads, some of the tasks before us are more complex, more costly, and more compelling than any we have faced before. If EPA continues down the familiar path of regulatory controls, environmental results could become increasingly expensive, returns marginal, and some problems may be neglected. Alternatively, we can change the way in which we think about environmental policy, targeting our limited resources and broadening the range of approaches we use to protect the environment.

We have a long way to go. Despite notable success, changing the course of an organization as large and well-established as EPA is a time-consuming and challenging task for all of us. In addition, we face scientific, statutory, and resource limitations on our ability to pursue those actions most critical to protecting human health and the environment. The Science Advisory Board's report, "Reducing Risk: Setting Priorities and Strategies for Environmental Protection," is a ringing endorsement of a new vision for EPA, and we are already moving in the direction the SAB's report sets out. Involving and encouraging the best ideas from all of our people is key to our success.

This new vision means candidly re-examining our assumptions and devising new approaches to environmental protection -- approaches that call for breaking down the walls between program offices and between Headquarters and regions. Total quality management, comparative risk, pollution prevention, geographic and sector targeting, strategic planning, regulatory clusters, integrated waste cleanup, a more open, inclusive budget process -- all are building blocks for a new vision of the future, and as our new Strategic Direction brochure declares, "we at EPA are committed to continuing improvement in the ways we fulfill this new vision."

Strategic Planning and Budgeting

I recognize that while setting priorities based on risk and strategic planning sounds simple, in practice it is difficult. Yet, it is vitally important that our strategic planning initiatives focus on critical issues and high priority problems. We need to address the difficulties in providing resources for key, cross-cutting environmental problems and give new emphasis to problems and initiatives identified in the regional strategic plans. Already there are some important success stories -- examples of priorities established in strategic plans that are reflected in Agency budgets and program plans. For example,

- Risk-based initiatives in Regions I, III and X are being funded in FY 1992.
- Three major Water themes -- development of water quality criteria, ecological indicators, and integrated geographic initiatives -- are highlighted in FY 1992.
- The FY 1992 Air program supports aggressive plans for implementing the new Clean Air Act, as well as for stratospheric ozone, indoor air, and radon.
- OPTS's priorities reflect major themes such as improving state and regional programs, food safety, and improved use of TRI data.
- Major OSWER themes, such as an integrated clean-up program and state capacity building, are highlighted for FY 1992.

As we consider new initiatives for FY 1993, we should take care to identify the specific activities we will undertake and track in FY 1992. I am asking each Assistant Administrator to identify innovative program commitments in STARS and the Action Tracking System (ATS) for the Deputy Administrator, starting in FY 1992. We are also ready to move to the next stage of improving STARS measures to ensure they reflect our environmental priorities and results.

I encourage you to be creative and innovative in your thinking. Across the Agency, programs are trying new approaches to environmental management -- for example, OAR's use of market incentives to reduce $SO_2$ emissions, and public information campaigns in indoor air and radon; OPTS's increasing use of negotiation as an alternative to traditional regulatory mechanisms; the Ground Water Task Force Report recommending that we develop comprehensive State Ground Water Protection programs, with state program guidance to be developed and coordinated among different programs.

This bodes well for the new way we will have to do business. We are seeing substantial changes now, and we will see more changes in the future as the planning process matures.

Changing the Culture

We have made a great deal of progress in taking back control of our agenda and fostering the kind of institutional and cultural changes that will enable us to meet the challenges ahead. In fact, this Agency has been at its best when it has been at the cutting edge. Our efforts are coming together as part of a single vision for EPA's future:

- The best way to reduce risk is to prevent it in the first place, and we are consistently expressing pollution prevention as our strategy of first choice.

- EPA is improving management through strategic planning, setting priorities based on risk that will guide our budget. We, as an Agency, must also know where we want to go, what we must do to get there, and how we will know when we do. Therefore, total quality management is critical to ensure we take advantage of the full potential of our culturally diverse staff, each and every employee.

- We will continue to improve our scientific understanding of environmental risks, solutions, and results with continued support for research, analysis, and data management. Our future leadership depends upon building today the integrated foundation of knowledge and data for risk-based decisions and measuring environmental results.

- Both federal and state enforcement programs have grown steadily over the past several years. Enforcement, especially the growing multi-media efforts, remains a requisite for meeting our statutory mandates.

- The public has become more demanding, and rightly so, in expecting environmental results, not simply controls. We must continue to find new and effective ways to communicate the most up-to-date information on environmental risk, so that the public understands and supports the Agency's actions.

- And, of course, doing the best job we can in all the important, ongoing work of the Agency -- inspections, enforcement, issuing permits, writing regulations.

Without question, there are many barriers to overcome and many challenging demands before us. We can never lose sight of the tremendous energy and talent we possess and the progress we have already made. It will be these skills combined with a common vision for environmental protection that will enable us to preserve our future environment today.

William K. Reilly
April 1991

Office of Air and Radiation

# OFFICE OF AIR AND RADIATION
# ASSISTANT ADMINISTRATOR'S OVERVIEW

## INTRODUCTION

Our highest priority for FY 1992 will be implementing the Clean Air Act Amendments of 1990, signed into law by President Bush on November 15, 1990. These amendments provide the basis for a comprehensive nationwide program that will ensure cleaner air for all Americans. The Office of Air and Radiation (OAR) has developed a two-year implementation strategy for the Clean Air Act Amendments. Attachment A presents highlights of this strategy. EPA is committed to implement the new Act in a cost effective manner, while ensuring consistency with national energy and economic policies. The implementation will not only employ traditional approaches for controlling air pollution, but will also use the power of the marketplace, encourage local initiatives, and emphasize pollution prevention.

This overview describes the programs needed to effectively implement the Clean Air Act Amendments of 1990 and other air and radiation priorities.

**Environmental priorities.** FY 1992 will be a pivotal year in implementing the new Clean Air Act and in making significant headway toward cleaning the nation's air and preserving the environment for succeeding generations. Implementing the Act will not be an easy task. Many of the provisions of the Act are expansive and bold. In some areas, such as the market-based acid rain program, we will be operating in uncharted waters with few precedents to guide us. The Act will require all of us to pull together, examining the way we do our work with an eye toward streamlining our efforts and taking reasonable risks with new approaches. In addition to implementing the Clean Air Act, we will continue to develop and implement innovative, non-regulatory programs to reduce public health risks from radon and other indoor air pollutants and to achieve energy conservation. Also, we will continue to support efforts to safely handle and dispose of radioactive wastes.

Our most important environmental goals are:

- Bring all cities into health standards attainment.
- Cut air toxics emissions by 70 percent.
- Reduce sulfur dioxide emissions by 10 million tons.
- Phase-out 100 percent of chlorofluorocarbons (CFCs) by the Year 2000.
- Reduce public exposure to radon and other indoor air pollutants.

The first three years of the new Clean Air Act will structure the next 20 years. During this period we must lay the groundwork for new and innovative approaches to curbing air pollution. We will have to develop new programs for acid rain, operating permits, clean vehicles and fuels, and ozone depletion.

We also must build the framework for meeting and maintaining National Ambient Air Quality Standards (NAAQSs). We will place highest priority on the attainment of NAAQSs for ozone, carbon monoxide, and particulate matter (PM-10). We will work with state and local agencies to develop state implementation plans (SIPs) for 96 areas that do not meet the NAAQS for ozone, 41 areas that do not meet the NAAQS for carbon monoxide, and 70 areas that do not meet the NAAQS for PM-10.

In addition, we must develop a credible national air toxics program. We will set maximum achievable control technology (MACT) standards for 189 toxic air pollutants and 400-600 source categories.

Overall, the new Act requires us to promulgate more than 120 regulations by 1995, an average of 24 per year. Previously, we have averaged five to eight rules per year. In addition, we must conduct major research programs and carry out over 90 studies.

We will implement the provisions in the 1990 Clean Air Act amendments that allow the Administrator to treat Indian tribes as states under the Act. Tribes meeting the requirements of the Act and Agency regulations will be able to develop plans for meeting and maintaining NAAQSs and protecting clean air.

**Implementation principles.** In spite of the difficulties and challenges we face to implement the new Clean Air Act, we must succeed. We must make the first three critical years count by organizing our work and planning our analyses to ensure that we meet key deadlines. We must also set priorities based upon environmental and health benefits (risk reduction) and the ability to leverage our resources.

The President's FY 1992 budget request for air and radiation programs includes a 26 percent increase in dollars and a 15 percent increase in workyears over FY 1991. The increase in dollars includes an additional $24.4 million in grant funds for state and local

air pollution agencies. This would be a 62 percent increase in grant funds since 1990. We will face significant challenges in finding, hiring, and training new EPA staff and getting them on the front lines quickly. State and local agencies will face similar challenges. Resources are never enough to do the job, but we must find ways to set priorities and accomplish our objectives.

EPA cannot accomplish this work alone. We will need to form partnerships with state, local, and tribal governments and recognize the pivotal role that they will play. We must work and communicate effectively with and seek the involvement and assistance of all affected parties, including public interest groups, industry, and other federal agencies. We must encourage a two-way process of communication, recognizing the importance of involving people early and providing them with opportunities to participate. We must actively use formal and informal negotiation processes to explore issues and, where possible, achieve consensus among interested parties.

Form strong partnerships with states and local governments.

We must continually look for and employ methods that accomplish our environmental goals through the use of market-based incentives. Our initiatives and policies must make sound economic sense and sustain economic growth alongside a healthy and productive environment. We must select strategies and programs that reduce or eliminate the sources of pollution so that costly remedial action will not be required. The implementation principles that we will follow are summarized on the next page.

## IMPLEMENTATION PRINCIPLES FOR THE CLEAN AIR ACT OF 1990

**Promise of the Clean Air Act**

- "Every American expects and deserves to breath clean air...."
  President Bush
- These principles will guide us as we turn the promise of the Act into a legacy of clean air.

**Policy**

- **$E^3$:** Achieve and maintain a healthy environment, while supporting strong and sustainable economic growth and sound energy policy.
- **Market-based:** Use market-based approaches and other innovative strategies to creatively solve environmental problems.

**Build Consensus**

- **Joint Venture:** Recognize the essential role played by state and local governments.
- **Negotiate:** Use negotiation techniques to resolve critical issues with other interested parties, including other government organizations, industry, environmental groups, and academics.
- **Federal Coordination:** Work closely with other EPA offices, other federal agencies, and the Congress to ensure a coordinated approach that will achieve environmental objectives in the most efficient manner possible.

**Management**

- **Deadlines:** Establish and meet commitments to effectively implement key provisions of the Act.
- **Team Effort:** Work together; attract and retain a diverse and talented work force.

## ATTAINMENT OF NATIONAL AMBIENT AIR QUALITY STANDARDS

Our strategic goal is to meet NAAQSs in all areas within 20 years, achieving substantial near-term reductions in criteria pollutants and precursors, and attaining standards in most urban areas within ten years ("Criteria pollutants" are those pollutants for which NAAQSs have been set). EPA and state, local, and tribal governments will have a larger arsenal of tools available to help achieve NAAQSs. The new Act authorizes EPA and state and local agencies to harness the power of the marketplace to implement the most cost-effective methods for reducing air pollution. We will emphasize the development of new technologies and fuels. We will empower state, local, and tribal governments through providing increased grant funds and supporting the development of permit fee programs.

> Meet NAAQSs in all areas within 20 years. Achieve substantial early reductions in emissions.

**Ozone/carbon monoxide.** Over 135 million Americans live in more than 100 areas nationwide that exceed NAAQSs for ozone and/or carbon monoxide. Exposure to high ozone and carbon monoxide levels places individuals at risk to harmful health effects. High ozone levels also have adverse impacts on vegetation, forests, and crop yields. The Nation's ozone problem is possibly worse today than when the original framework for control was established. With further growth in population and vehicle miles of travel (VMT) and the absence of additional controls in major metropolitan areas, even higher levels of both ozone and carbon monoxide are possible.

The basic thrust of the new Clean Air Act is to provide for attainment of the NAAQSs through control of:

- Existing stationary sources through applications of reasonably available control technology (RACT).
- New or modified major stationary sources through new source performance standards (NSPSs) and new source review.
- Vehicle emissions through the federal motor vehicle control program (FMVCP), new fuels requirements, and associated efforts such as vehicle inspection/maintenance (I/M) programs.

The new Act requires EPA to designate all nonattainment areas in the country and to classify the areas according to the severity of their air quality problems. Ozone nonattainment areas may be classified as marginal, moderate, serious, severe, or

extreme. Carbon monoxide areas may be classified as either moderate or serious. The requirements for the SIPs that state and local governments must develop vary with the classification of the area.

- For areas classified as **marginal** for ozone, state and local agencies must prepare emission inventories, correct RACT rules within six months, correct vehicle I/M programs immediately, and correct new source review programs within two years.

- For areas classified as **moderate** for ozone, state and local agencies must meet the requirements for marginal areas, plus plan for a 15 percent reduction in volatile organic compounds (VOCs) in six years, put RACT on major sources covered by existing and future control techniques guidelines (CTGs), implement stage II vapor recovery controls, and implement basic I/M, if not already required.

- For areas classified as **serious** for ozone, state and local agencies must meet the requirements for moderate areas, plus plan for three percent annual average reductions in VOC emissions, develop an attainment demonstration, implement enhanced I/M and clean fuels programs, demonstrate that VMT are consistent with the attainment demonstration, implement a transportation control measure (TCM) program (if needed), adopt specific new source review requirements for modifications to existing sources, and adopt contingency measures for missed milestones.

- For areas classified **severe** for ozone, state and local agencies must meet the requirements for serious areas, plus adopt measures to offset VMT growth and implement a fee program for major sources that fail to attain.

- For areas classified **extreme** for ozone, state and local agencies must meet the requirements for severe areas, plus adopt traffic controls for congested periods.

- For areas classified **moderate** for carbon monoxide, state and local agencies must prepare an emission inventory, make VMT forecasts with annual updates, adopt contingency measures, implement basic I/M programs immediately (if not already required), implement enhanced I/M and develop an attainment demonstration if the design value for the area is greater than 12.7 ppm, and have an oxygenated fuels program.

- For areas classified **serious** for carbon monoxide, state and local agencies must meet the requirements for moderate carbon monoxide areas plus implement TCMs in two years to offset VMT growth.

In FY 1992, the second year of implementation for the new Clean Air Act, EPA and state and local agencies will focus on the following activities:

- State and local agencies will develop baseline emissions inventories for ozone/carbon monoxide nonattainment areas, including special gridded and speciated inventories for ozone modeling.
- State and local agencies will continue the development of ozone/carbon monoxide SIP revisions and operating permit and fee programs.
- State and local agencies will continue to systematically replace worn-out monitors.
- EPA will continue the development of CTGs for VOC sources, and an alternative control technique (ACT) guideline for nitrogen dioxide.
- EPA will publish new emission standards for 1994-1995 light-duty trucks, carbon monoxide emission standards for cold temperature areas, and evaporative emission standards.
- EPA must study emissions form commercial and consumer products and is authorized to regulate such products based on reasonably available controls. EPA is given broad authority in fashioning appropriate regulations, including use of economic incentives.
- EPA will develop guidance in the use of market-based approaches for controlling ozone precursor emissions.

**PM-10.** PM-10 contributes to human respiratory problems; causes damage to the natural environment, vegetation, and buildings; and contributes to visibility impairment. The estimated national emissions of PM-10 are on the order of 100 million metric tons per year. PM-10 and precursors are emitted from traditional industrial sources (e.g., iron and steel mills, power plants, smelters, and pulp and paper mills), as well as a wide variety of area sources such as paved and unpaved roads, construction and agricultural activities, open fires, motor vehicles, and residential wood combustion.

After the promulgation of the PM-10 NAAQSs in 1987, EPA and state and local agencies concentrated their efforts on developing SIPs for 58 areas with recorded violations of the NAAQSs or with a high probability of violations. States either submitted SIPs for these "Group I" areas in FY 1990 or plan to submit the SIPs in FY 1991. EPA required states with areas having a moderate probability of violating the NAAQSs (Group II areas) to monitor ambient levels of PM-10 to determine if areas are attaining the standards. Most states will submit these determinations to EPA in FY 1991. EPA required only procedural corrections to SIPs for areas with a low probability of violations (Group III areas). States submitted most of these corrections to EPA in FY 1990.

The basic components of the PM-10 program required by the 1990 amendments to the Clean Air Act include:

- Develop SIPs for "moderate" nonattainment areas.
- Reclassify to "serious" areas that cannot attain by December 31, 1994.
- Redesignate to nonattainment any areas with newly identified violations of NAAQSs.
- Develop SIPs for "serious" and redesignated areas.
- Maintain air quality once NAAQSs have been met.

Under the 1990 amendments, Group I areas and areas with recorded violations as of January 1, 1990 are designated "moderate" nonattainment areas. A total of 72 areas fall in this category. States must submit SIPs for these areas within one year of enactment. The SIPs must demonstrate that the PM-10 NAAQSs will be attained by December 31, 1994 or that attainment by that date is impracticable. States must implement reasonably available control measures (RACMs) in moderate areas by December 10, 1993. States also must establish a permit program for construction and operation of new or modified sources by June 30, 1992.

EPA must reclassify to "serious" any area where states cannot demonstrate attainment by December 31, 1994. EPA must propose the reclassification by June 30, 1991 and promulgate by December 31, 1991. States must submit within four years of the reclassification an additional SIP that demonstrates attainment by December 31, 2001 and that assures the implementation of best available control measures (BACMs). If additional violations of the PM-10 NAAQSs are identified, EPA must redesignate the areas to nonattainment. States must submit SIPs for such areas within 18 months of the redesignation. The SIPs must demonstrate attainment by the end of the sixth calendar year after redesignation or shown that attainment by that date is impracticable, assure that RACMs are implemented within four years of redesignation, and establish a permit program for the construction and operation of new or modified sources.

Activities that we must carry our in FY 1992 to implement the PM-10 program include:

- States continue development of SIPs for "moderate" nonattainment areas.
- EPA reviews and approves or disapproves PM-10 SIPs submitted by states.
- EPA redesignates as nonattainment any area where new violations of NAAQSs are identified; states develop SIPs for areas.
- EPA continues development and publication of RACM and BACM guidance.
- EPA implements expanded enforcement/inspection program.
- EPA continues review/revision of new source performance standards.
- EPA continues review/revision of emission factors.

**Lead.** Lead is a highly toxic metal that is known to have significant adverse effects on fetal development, neurobehavior, and kidney function in children and blood pressure in adults. Over the years, we have made significant progress in reducing lead air pollution through the phase-down of lead as a component of gasoline. Recent research has revealed, however, that the current NAAQS for lead may not be adequate to protect human health.

Current airborne lead pollution problems are now limited to the vicinity of a relatively small number of primary and secondary lead smelters. In 1988-1990 violations of the NAAQS were recorded in 14 out of 25 counties that have primary or secondary lead smelters. Ambient data are insufficient at this time to reliably ascertain air quality at many remaining sites. We will implement a strategy to reduce risks to populations, particularly children, around these sources. This strategy will include continuous ambient air monitoring around lead sources, inspections and enforcement actions to ensure compliance with current SIPs, designation of nonattainment areas where lead standards are violated, and development of corrective SIP revisions.

Implement August 1990 lead strategy

We will *continue to have a strong enforcement presence in the retail gasoline area to* prevent the substitution of leaded gasoline for unleaded. In addition, we will continue to work with the petroleum industry to eliminate the remaining lead use in gasoline.

**Sulfur dioxide.** Sulfur dioxide can cause adverse changes in respiratory functions and can induce symptoms in sensitive individuals, particularly asthmatics. Sulfur dioxide also contributes to damage to the natural environment, vegetation, and buildings, and to visibility impairment. Although substantial reductions in utility emissions of sulfur dioxide will be accomplished through the acid rain program, a significant number of areas continue to violate the NAAQS due to emissions from other sources. A total of 50 areas are designated nonattainment for the sulfur dioxide NAAQS. Violations have been confirmed in 12 additional areas currently designated attainment or unclassifiable. During FY 1992, we will work with state and local agencies to revise all sulfur dioxide SIPs to meet current requirements for programs addressing NAAQSs, acid deposition, visibility, and other related requirements in a comprehensive, integrated manner.

In FY 1992 we will work with state and local agencies to implement revised stack height rules and changes to the NAAQSs for sulfur dioxide. We will also designate new sulfur dioxide nonattainment areas. In addition, we will provide technical and policy support to states, enabling them to prepare viable SIP revisions, correct SIP deficiencies that hinder enforceability and adversely affect operating permits, and revise state stack height regulations and source emission limits. We will ensure that all large utility steam generating units have installed the proper continuous emission monitoring systems to minimize excess emissions, establish a record of continuous compliance, and facilitate implementation of acid rain provisions in the Clean Air Act amendments.

**Visibility.** By early FY 1992 EPA will promulgate controls on the Navajo Generating Station located in Arizona. EPA will also establish a visibility transport commission for the region affecting the visibility of the Grand Canyon National Park. In addition, EPA and the National Park Service will provide an interim report that identifies and evaluates sources and source regions with visibility impairment or predominantly clean air in Class I areas.

## AIR TOXICS

Ambient air monitoring has detected over 3,000 compounds considered to be potential air toxics and of possible danger to human health. Many of the documented health problems are alarming, and the full effects of air toxics exposure are unknown. The control of air toxics is a priority for EPA and state, local, and tribal agencies because of the seriousness of the health consequences and the large number of people at risk of exposure.

**MACT Standards.** The 1990 Clean Air Act amendments include significant changes for the national air toxics program. EPA must publish a list of source categories and subcategories that emit one or more of 189 compounds listed in the new Act. EPA will accept petitions to add or delete pollutants from the list. The Act provides a two-step process for regulating sources that emit any of the 189 compounds. EPA first must

promulgate technology-based standards and then later review the residual health risks after the standards have been applied. Within two years from enactment, EPA must promulgate MACT standards for 40 source categories. EPA must then promulgate standards for 25 percent of the source categories within four years, for an additional 25 percent within seven years, and for the remainder within 10 years.

**Voluntary Reductions.** Sources must achieve compliance with MACT standards within three years of promulgation; sources may receive an additional year if EPA deems it necessary. However, sources that voluntarily reduce their air toxics emissions by 90 percent prior to the proposal of a MACT standard have an additional six years to comply. These provisions were included in the new law to create an incentive for early reductions in toxic emissions. To ensure both the success of the early reduction program and enhance coordination between the states and the regional offices, EPA will provide guidance to the states describing the features and benefits of the early reduction program. The states will play an active role as sources reduce their hazardous air pollutant emissions to qualify for compliance extensions. The regional offices will be responsible for coordinating the development of enforceable commitments with the states.

Program activities planned for FY 1992 include:

- Continue development of Early Reduction Agreements.
- Promulgate MACT standards for 40 source categories.
- Promulgate coke oven rules.
- Grant or deny petitions to add or delete pollutants from the list of 189.
- Continue mobile source regulatory program controlling tailpipe and evaporative emissions, as well as additives in vehicle fuels.
- Implement existing radionuclide National Emission Standards for Hazardous Air Pollutants (NESHAPs); evaluate adequacy of Nuclear Regulatory Commission to meet Clean Air Act goals.
- Continue work on MACT standards for 25 percent of source categories.
- Continue development of NSPSs for municipal waste combustion, landfills, and hospital waste incineration.
- Continue development of rules for hazardous waste transfer, storage, and disposal facilities.
- Continue work on utility boiler report to Congress.
- Continue work on Great Lakes study.
- Complete the mobile source air toxics study for Congress.
- Link air toxics to the Toxic Release Inventory (TRI) data.

## ACID RAIN

Acid rain causes damage to lakes, forests, and man-made structures; contributes to reduced visibility; and is suspected of causing damage to human health. The acid rain provisions in the 1990 Clean Air Act amendments provide for reducing acid rain precursor emissions using a "cutting edge" program that may serve as the prototype for new, more effective ways of addressing health and environmental risks in the future. The long-term goal of the Act is to reduce sulfur dioxide emissions by 10 million tons and nitrogen oxide emissions by two million tons. EPA will achieve these emission reduction goals through the innovative market-based approach of the emissions allowance trading program, which is composed of an allowance allocation program, an allowance trading program, and a continuous emissions monitoring program.

Achieve a permanent 10 million ton reduction in sulfur dioxide

In FY 1992 we will issue final regulations for the following:

- Issuance of Phase II allowances.
- The allowance trading and tracking system.
- Fixed price sales.
- The baseline for non-utility sales.
- Election sources.
- Nitrogen oxides standards for tangentially-fired and dry bottom wall-fired boilers.
- Continuous emissions monitoring to account for the mandated reductions in sulfur dioxide and nitrogen oxides emissions.
- Permit requirements for affected sources, including permit approval procedures.

We will also establish an energy conservation and renewable energy technology reserve and review applications submitted. In addition, EPA regional offices will coordinate federal and state permit and implementation activities.

## STATE AND LOCAL OPERATING PERMIT PROGRAMS

The FY 1990 Clean Air Act amendments provide for state and local operating permit and fee programs to enhance the effectiveness of the acid rain, NAAQS attainment, and air toxics provisions in reducing pollutant emissions. The permit and fee programs will increase source accountability, provide information to carry out regulatory and market-based programs, facilitate inspections, and provide adequate funding for state efforts.

In FY 1992 we will work with state and local agencies to develop operating permit programs. State permit program plans are due to EPA by the end of 1993. We will issue comprehensive guidance and model permits and undertake outreach and training efforts to help state and local agencies establish their permitting programs. States and local agencies will be working with state legislatures to obtain permit program operating authority. We will design an adequate audit program to assure that the permit programs are working. The permit program will require modifications in the Aerometric Information and Retrieval System (AIRS) Facility Subsystem program to handle the data collected. Lastly, in order to be enforceable, permits must include appropriate test methods and procedures. We will provide assistance in these areas to state and local agencies and small sources.

## STRATOSPHERIC OZONE DEPLETION

The ozone layer provides a protective covering that shields the earth from harmful ultraviolet radiation. Depletion of the ozone layer leads to increased penetration of ultraviolet light (UV-B) from the sun which will result in potentially harmful health effects including increased incidence of certain skin cancers, cataracts, and suppression of the immune response system. In addition to health effects, limited studies show that increased UV-B could cause damage to crops and aquatic organisms.

Current activities are designed to facilitate the transition away from ozone-depleting chemicals. Key elements of this strategy include:

- Implementing Title VI of the 1990 Clean Air Act Amendments of 1990.
- Encouraging other countries to participate in reducing the use of ozone depleting chemicals.
- Encouraging the development of ozone-safe, energy efficient alternatives and the transfer of technology to lesser developed countries.

Under the 1990 Clean Air Act amendments EPA must promulgate regulations within 12 to 18 months requiring recycling, development of safe substitutes, reductions in emissions of ozone depleting chemicals, labels on products, and bans on non-essential products. In FY 1992 we will implement the requirements of the new Act and the Montreal Protocol, an international treaty that limits the production and consumption of CFCs and halons. Through this treaty, signatory countries agreed to halt the production of CFCs and halons by the year 2000. We also will continue to encourage other countries to join the Protocol. This includes working with industry on developing new technology and transferring existing technologies among less developed nations. We will aid developing countries using the multi-lateral facilitation fund established by the Clean Air Act amendments. We believe that our efforts to assist developing countries should facilitate decisions by these countries to join the Montreal Protocol.

Phase out CFCs and halons by the year 2000.

We will also continue to support the development of safe and energy efficient substitutes to replace CFCs and halons in the refrigeration, foam blowing, fire prevention and solvent industries. We will work with other Agency offices to ensure that alternatives are safe and

environmentally acceptable, and that they provide at least the same level of energy efficiency as the chemicals they are replacing.

## RADON/INDOOR AIR

**Radon.** Radon, a radioactive gas produced by the decay of radium, occurs naturally in almost all soil and rock. The gas may enter a building through cracks or other openings in the foundation. We estimate that elevated levels of indoor radon contribute to thousands of lung cancer deaths each year. Our national radon program goal is to reduce public health risks by reducing exposure to elevated radon levels in existing structures and by preventing exposure in new structures. Current program activities include:

- Development of cost-effective radon mitigation and prevention technologies.
- Transfer of new technologies to state, local, and tribal governments and the private sector.
- Communication of information and guidance to the public.
- Completion of national surveys of states and tribal lands to determine the magnitude and distribution of the radon problem.

Our FY 1992 radon program provides support for development of comprehensive state radon programs. States bear the primary responsibility for assisting the public with information, education, and technical assistance to understand and respond to radon problems. In FY 1992 most states will have used federal grant funds to establish self-sustaining radon programs of appropriate scope to address the needs of their citizens. States will also continue to serve as EPA's primary point of contact for information on problems and trends at the local level.

Our FY 1992 program will also include the implementation of radon measurement and mitigation programs for public buildings and homes. We will continue to evaluate and demonstrate new mitigation and prevention techniques. These new techniques will include special emphasis on schools and workplaces. We will also evaluate new measurement technologies in order to address the special needs of schools and workplaces. We will continue to use the regional training centers to provide transfer of new technologies to state and local governments and the private sector. The centers will be one of our primary tools for providing training on indoor radon.

We will continue to promote the adoption of local building codes that provide for radon resistant construction across the country. We will also work with the building industry to increase the application of radon resistant building practices. In addition, we will work with financial institutions to develop policies and standards for radon in houses and to recommend radon inspections at the time houses are financed.

**Indoor air.** According to the Science Advisory Board report, "Reducing Risks: Setting Priorities and strategies for Environmental Protection," indoor air pollution represents one of the most significant public health risks facing the Agency. The goal of the indoor air program is to reduce the public's exposure to hazardous air pollutants in all indoor environments. The primary pollutants of concern include: environmental tobacco smoke (ETS), volatile organic compounds, biological contaminants, combustion gases, respirable particulates, lead, formaldehyde, asbestos, and radon. In FY 1992 we will initiate a national study of indoor air quality in large buildings. We will also enhance the ability of our regional offices to address indoor air pollution by providing for at least one full-time indoor air quality coordinator in each region to respond to the increased public and private sector requests for information and technical assistance. We will expand our regional training center network to include targeted courses for specific indoor air quality audiences.

**Electromagnetic Fields (EMF).** Our radiation program will continue to evaluate information concerning the possible relationship between EMF and health effects, working with the Office of Research and Development. We will also provide material and guidance for responding to public concerns.

## RADIOACTIVE WASTE STANDARDS

**Disposal of radioactive wastes.** EPA is a major participant in the federal program for the disposal of radioactive wastes. Radioactive waste includes a wide variety of materials of different origins, concentrations, and volumes that are categorized as high-level waste, low-level waste, mixed waste, and residual radioactivity. Our activities include issuing standards and guidance to limit human radiation exposure. The primary health effects from exposure to radiation increases are the risk of cancer and deleterious genetic changes.

In FY 1992 we will promulgate standards for the disposal of high-level and low-level radioactive waste. We will also continue public outreach and risk communication activities through training, workshops, and seminars. For those radioactive waste areas without existing environmental protection standards, our goal is to assure an acceptable level of protection of public health and the environment.

**Hazardous waste sites and federal facilities.** There are over 20 Superfund sites on the

National Priority List that are contaminated with radioactivity. The Department of Energy (DOE) has embarked on a major program of environmental restoration for many of its facilities. In addition, there are about another 1,000 hazardous waste sites containing nuclear materials. At present, except for uranium mill tailings, no standards for clean-up or disposal of radioactive waste exist to ensure the protection of public health and the environment. For those radioactive waste areas without existing environmental protection standards, our goal is to assure an acceptable level of protection of public health and the environment.

Site clean-up is a major element of EPA's current program. For sites on the National Priority List for clean-up under Superfund, we are actively providing radiological assistance to the Office of Solid Waste and Emergency Response in remediating numerous sites. For example, we are assisting in the clean-up at the Radium Chemical facility in the middle of New York City. In addition, the clean-up of DOE facilities is a major challenge in the future; we expect to be heavily involved in this activity as well.

In FY 1992 we will continue to pursue the promulgation of environmental protection standards. In the area of Superfund, EPA will remediate as many listed sites as possible to acceptable residual levels of environmental contamination. With respect to DOE clean-up, the primary task for the next several years is to establish a detailed framework for EPA review of DOE progress. The actual clean-up of these sites will be completed in the 21st century.

## GLOBAL WARMING

There is scientific evidence that increasing the concentrations of greenhouse gases in the earth's atmosphere will cause increases in global temperatures and associated changes in climate. Although the rate and the extent of climate change is difficult to predict, scientists have forecast that, if current trends in emissions continue, we can expect a global temperature increase between 2.5 and 5.5 degrees centigrade by the middle of next century. Human activities are now increasing atmospheric concentrations of the greenhouse gases such as carbon dioxide, methane, nitrous oxide, tropospheric ozone, and CFCs.

The goal of the global warming program is to limit the increase in global temperatures and associated changes in climate. Current strategies for accomplishing this goal include: developing options that will reduce emissions of greenhouse gases at some level of profit, coordinating with industry to ensure necessary concerns are addressed, and identifying obstacles and designing solutions, where possible.

In FY 1992 we will initiate methane and energy conservation projects to reduce greenhouse gases. Methane is second in its overall contribution to global warming, next to carbon dioxide. We will devise a strategy to cost-effectively stabilize emissions of methane by the year 2000. We will also continue to develop options to reduce emissions of methane from enteric fermentation, animal wastes, coal mining and natural gas systems.

Increased energy efficiency will lead to reductions in carbon dioxide emissions and in methane emissions from fossil fuel production. There are currently many opportunities for increasing the energy efficiency in the residential, commercial, and industrial sectors through cost-effective changes in technology. Implementation of cost-effective energy technologies may require the development of incentive programs at the utility level and elsewhere.

## CROSS-PROGRAM PRIORITIES

**Compliance and enforcement.** There has been a fundamental shift in the approach that we take in our compliance and enforcement activities. We have encouraged state and local agencies to target resources to areas of highest environmental benefit and have urged greater coordination between regional and state enforcement targeting. The 1990 Clean Air Act amendments restructure and strengthen the enforcement authority of EPA and the states. The Act upgrades authority through more flexible administrative penalties, as well as tough criminal provisions. We will emphasize balanced use of the full range of these new administrative and criminal enforcement authorities to maximize our

deterrent impact. New types of programs, such as the allowance program for ozone-depleting chemicals, the market-based acid rain program, and the state operating permit program, will require new approaches to enforcement.

In FY 1992 we will continue our compliance monitoring and enforcement efforts to ensure (in concert with the states and, where feasible, with citizen groups) the compliance of SIP, NSPS, and NESHAPs sources. In light of the new citizen suit provisions, we will examine ways to make compliance monitoring data, including cross-media, more accessible to the citizen enforcement community. The asbestos demolition and renovation program inspections will continue. We will expand the radionuclide compliance and enforcement program. Efforts to enhance VOC compliance in ozone nonattainment areas will be continued. In areas of PM-10 nonattainment, resources will be used to review PM-10 SIPs for enforceability and ensure compliance. Continuous emissions monitors for sulfur dioxide will also continue to be used for enforcement of installation and proper operation and maintenance of equipment; enforcement of proper reporting; and directing the regions and states to use them to target inspections or for direct enforcement where appropriate. Under the Clean Air Act, resources will be used to conduct inspections and enforcement of the CFC program, as well as expanding the air toxics program for benzene.

In cooperation with the Office of Enforcement, we will support special targeted enforcement initiatives to focus on industries with poor compliance histories and geographic areas of particular air quality concern. We will continue to emphasize the Administrator's 25 percent multi-media enforcement goal. This goal will be achieved by actively participating in cross-media enforcement projects, such as the lead initiative; by promoting regional multi-media inspections, and by supporting regional case targeting, including the use of historical multi-media compliance case screening.

We will continue to achieve compliance with the motor vehicle emission standards by performing surveillance and confirmatory recall testing, conducting gasoline refining and distribution system audits and fuels inspections. We will also enforce the diesel fuel quality requirements. Emphasis will be placed on overall fuel quality and reformulated gasoline. Audits of I/M programs to assure that they are operating as designed will continue and be expanded. The Clean Air Act amendments enhance and expand the number of I/M programs as efforts get underway to bring nonattainment areas into compliance with NAAQSs.

**Pollution prevention.** We will emphasize prevention of pollution throughout as the first choice in environmental protection. The new Clean Air Act increases the opportunities for making pollution prevention a routine consideration in carrying out our programs, reinforcing the major efforts already underway. For example, air toxic emissions will be sharply reduced or eliminated through MACT standards that emphasize process changes, materials substitution, closed systems, and modified work practices. In addition, we will carry out other initiatives for recycling CFCs under the ozone depletion program,

encouraging energy conservation under the global warming program, and developing model building codes that inhibit elevated pollutant levels under the radon and indoor air programs. We also intend to explore the opportunities for facilitating pollution prevention through settlement agreements in enforcement actions, as well as analyzing concluded settlements in order to assess the effects of pollution prevention conditions.

**Great Lakes.** The new Clean Air Act amendments require the Agency to identify and assess the extent of atmospheric deposition of hazardous pollutants to the Great Lakes. In carrying out these provisions, the Agency must develop a monitoring network to measure atmospheric deposition of hazardous air pollutants, investigate the sources and deposition rates of the pollutants, and evaluate any adverse effects to public health or the environment caused by the deposition. We will coordinate with other offices in the implementation of these requirements.

**Indian Tribes.** Our assistance to tribes will build on the success of past efforts. We will continue to support tribal air quality monitoring that provides a basis for evaluating and addressing air quality problems on tribal lands. We will also continue to provide assistance in measuring levels of indoor radon.

## MEASURES FOR ENVIRONMENTAL RESULTS

The OAR strategic plan identifies 58 potential environmental indicators. Of the total, 18 indicators are now in use, two are under development, the remaining 38 are proposed. Half of the in-use environmental indicators are derived from air quality measurements made by state networks for monitoring NAAQS criteria pollutants.

During FY 1992, we will develop new environmental indicators that take new approaches to addressing air and radiation problems. For example, indicators for the market-based acid rain program to assess its effectiveness in reducing acid deposition, improving visibility, and reducing ecosystem changes.

ATTACHMENT A

OFFICE OF AIR AND RADIATION
ASSISTANT ADMINISTRATOR'S OVERVIEW

# CLEAN AIR ACT AMENDMENTS OF 1990 IMPLEMENTATION SCHEDULE HIGHLIGHTS: THE FIRST TWO YEARS

| Communications Focus | | Regulatory Activities |
|---|---|---|
| *Getting Started* | DEC 1990 | Title I - Nonattainment:<br>Issue "Getting Started" Letter to Governors<br>STATES Submit Request/Justification for 5% Classification Adjustments |
| *State & Local Responsibilities* | JAN 1991 | Publish Two-Year Implementation Strategy<br>Title I - Nonattainment:<br>Publish Notice of Initial PM-10 Moderate Nonattainment Areas<br>Initiate Additional PM-10, $SO_2$, Lead Designation Process |
| *Building Consensus* | FEB 1991 | Title I - Nonattainment:<br>Act on 5% Classification Adjustment Requests |
| *Voluntary Reductions* | MAR 1991 | Title I - Nonattainment:<br>STATES Submit Nonattainment Area Designations<br>Title III - Air Toxics:<br>Publish Draft Chemical List Petition Procedures<br>Publish 90/95% Early Reduction Guidance<br>Propose List of High Risk Pollutants (Lesser Quantity Cutoffs, 90-95% Early Reduction) |
| *Permit Program* | APR 1991 | Title I - Nonattainment:<br>STATES Submit PM-10 Areas Unable to Attain by 1994<br>STATES Respond to List of PM-10, $SO_2$, Lead Nonattainment Areas<br>Title III - Air Toxics:<br>Publish Draft List of Source Categories<br>Title V - Permits:<br>Propose State Permit Regulations |

| Communications Focus | | Regulatory Activities |
|---|---|---|
| *Cleaner Cars and Cleaner Fuels* | MAY 1991 | Title I - Nonattainment:<br>STATES' Deadline for Reasonably Available Control Technology Requirements (Deficiency Corrections)<br>Notify STATES of Intent to Modify Suggested Boundaries<br>Publish Guidance on Stationary Source CO Contributions<br>Finalize Criteria to Measure Ozone Transport<br>Title II - Mobile Sources:<br>Finalize Gasoline Reid Vapor Pressure Regulations<br>Finalize Tier I Car and Truck Standards<br>Propose Reformulated Gasoline Requirements<br>Propose Clean Fuels Fleet and California Pilot Credit Programs<br>Propose Urban Bus Regulations<br>Propose Emission Control Diagnostic Rule<br>Title III - Air Toxics:<br>Propose Standards for Large Municipal Waste Combustors<br>Publish Final Chemical List Petition Procedures<br>Title IV - Acid Rain:<br>Propose Regulations for Auctions and Sales<br>Title VI - CFCs:<br>Propose CFC Phase-out Regulations |
| *Protecting the Ozone Layer* | JUNE 1991 | Title I - Nonattainment:<br>Propose PM-10 Area Reclassifications<br>Title VI - CFCs:<br>Propose Mobile Air Conditioning Recycling Regulations |
| *Assisting Small Businesses* | JULY 1991 | Title I - Nonattainment:<br>Propose Revisions to New Source Review Program<br>Finalize Ozone, CO Nonattainment Boundaries<br>Finalize List of Additional PM-10 Nonattainment Areas and $SO_2$ Lead Designations<br>Title V - Permits:<br>Publish Guidance on State Assistance to Small Businesses<br>Title VII - Enforcement:<br>Propose Administrative Penalties Rules of Practice |

| Communications Focus | | Regulatory Activities |
|---|---|---|
| *Attainment of Air Quality Standards* | AUG 1991 | Title I - Nonattainment:<br>Propose PM-10 Reasonably Available Control Measures/ Best Available Control Measures Guidance<br>Issue Transportation Planning Guidance<br>Publish Title I General Preamble<br>Publish 1990 Air Quality Data<br>Title II - Mobile Sources:<br>Publish Marketable Gasoline Oxygen Credit Guidelines<br>Title VII - Enforcement:<br>Propose Rules for Citizen Suits |
| *Acid Rain* | SEPT 1991 | Title IV - Acid Rain:<br>Propose Emission Trading System<br>Propose Acid Rain Permit Program<br>Propose Continuous Emission Monitor Requirements<br>Propose NOx Requirements for Utility Boilers<br>Propose Conservation and Renewable Incentives<br>Title VI - CFCs:<br>Finalize CFC Phase-out Regulations |
| *Business Opportunities in the Clean Air Act* | OCT 1991 | Title I - Nonattainment:<br>Publish VOC and CO Emission Inventory Guidance<br>Title II - Mobile Sources:<br>Finalize Cold Temperature CO Standards<br>Publish Study on Non-road Engines<br>Title III - Air Toxics:<br>Propose Maximum Achievable Control Technology for Coke Ovens |

| Communications Focus | | Regulatory Activities |
|---|---|---|
| *One Year of Progress Toward Cleaner Air* | NOV 1991 | Title I - Nonattainment:<br>Propose Tank Vessel Rule<br>Publish Conformity Criteria<br>Publish Guidance on Control Cost-effectiveness<br>STATES Submit PM-10 State Implementation Plans<br>Publish Outer Continental Shelf Rule<br>Publish Guidance on Inspection/Maintenance Programs<br>Publish Guidance on Transportation Control Measures<br>Title II - Mobile Sources:<br>Propose Clean Fuel Vehicle Standard<br>Finalize Vehicle Evaporative Emissions Regulations<br>Finalize Onboard Controls<br>Finalize Reformulated Gasoline Requirements<br>Finalize Urban Bus Regulations<br>Finalize Clean Fuels Fleet and California Pilot Credit Program<br>Title III - Air Toxics:<br>Publish Final List of Source Categories<br>Propose Guidance for Modification Provisions<br>Publish Draft Regulatory Schedule for All Source Categories<br>Finalize Standards for Large Municipal Waste Combustors<br>Propose List of Substances for Accidental Releases Prevention Program<br>Propose Maximum Achievable Control Technology for Hazardous Organic Chemical Manufacturing<br>Propose Maximum Achievable Control Technology for Dry Cleaners (per court order)<br>Finalize List of High Risk Pollutants (Lesser Quantity Cutoff, 90%/95% Early Reductions)<br>Title IV - Acid Rain:<br>Finalize Regulations for Auctions and Sales<br>Title V - Permits:<br>Finalize State Permit Regulations<br>Propose Federal Permit Regulations<br>Title VI - CFCs:<br>Ban Nonessential Uses<br>Finalize Mobile Air Conditioning Recycling Regulations<br>Title VII - Enforcement:<br>Propose Rules for Field Citation Program<br>Propose Rules for Contractor Listing |
| *Air Toxics* | DEC 1991 | Revise Two-Year Implementation Strategy<br>Title I - Nonattainment:<br>Finalize PM-10 Area Reclassifications<br>Title IV - Acid Rain:<br>Propose List of Phase II Utility Allowances |

| Communications Focus | | Regulatory Activities |
|---|---|---|
| *Enforcement* | JAN 1992 | Title III - Air Toxics:<br>Propose Standards for Small Municipal Waste Combustors<br>Title VII - Enforcement:<br>Finalize Administrative Penalties Rules of Practice |
| | FEB 1992 | Title III - Air Toxics:<br>Propose Maximum Achievable Control Technology for Chromium Electroplating<br>Title VII - Enforcement:<br>Propose Monetary Awards Rules |
| | MAR 1992 | Title III - Air Toxics:<br>Propose Maximum Achievable Control Technology for Commercial Sterilizers |
| | APR 1992 | Title III - Air Toxics:<br>Propose Maximum Achievable Control Technology for Asbestos |
| | MAY 1992 | Title I - Nonattainment:<br>Finalize PM-10 Reasonably Available Control Measures/Best Available Control Measures Guidance<br>Finalize Revisions to New Source Review Program<br>Finalize Rules for Ozone, NOx, VOC Enhanced Monitoring<br>Title II - Mobile Sources:<br>Finalize Emission Control Diagnostic Rule<br>Publish Mobile-Source Related Air Toxics Study<br>Title III - Air Toxics:<br>Finalize Guidance for Modification Provisions<br>Title IV - Acid Rain:<br>Finalize Emission Trading System<br>Finalize Continuous Emission Monitor Requirements<br>Finalize NOx Requirements for Utility Boilers<br>Finalize Conservation and Renewable Incentives<br>Finalize Acid Rain Permit Program<br>Title V - Permits:<br>Finalize Federal Permit Program<br>Title VI - CFCs:<br>Finalize CFC and HCFC Labelling Regulations<br>Title VII - Enforcement:<br>Propose Rules for Compliance Certification |
| | JUNE 1992 | |
| | JULY 1992 | |

| Communications Focus | | Regulatory Activities |
|---|---|---|
| | AUG 1992 | Title I - Nonattainment:<br>Publish 1991 Air Quality Data<br>Title VII - Enforcement:<br>Finalize Guidance/Rules for Citizen Suits |
| | SEPT 1992 | |
| | OCT 1992 | Title III - Air Toxics:<br>Finalize Maximum Achievable Control Technology for Coke Ovens |
| *Meeting the Deadlines in the Clean Air Act* | NOV 1992 | Title I - Nonattainment:<br>Finalize Tank Vessel Rule<br>Finalize Rules for Economic Incentives Program<br>Propose First Set of NSPS Rules<br>STATES Submit RACT Catch-up Rules, NSR Rules, CO Attainment Demonstration, and Contingency Measures<br>STATES Submit Base Year Ozone/CO Emission Inventories<br>Title II - Mobile Sources:<br>Finalize Clean-Fuel Vehicle Standards<br>Determine Significance of Non-road Engine Emissions<br>Title III - Air Toxics:<br>Finalize Maximum Achievable Control Technology for Dry Cleaners (per court order)<br>Finalize Maximum Achievable Control Technology for Hazardous Organic Chemical Manufacturing<br>Finalize Regulatory Schedule for All Source Categories<br>Finalize List of Substances for Accidental Releases Prevention Program<br>Title VI - CFCs:<br>Finalize Safe Alternatives Program<br>Title VII - Enforcement:<br>Finalize Guidance/Rules for Field Citation Program<br>Finalize Guidance/Rules for Contractor Listing<br>Finalize Rules for Monetary Awards |
| | DEC 1992 | Title III - Air Toxics:<br>Finalize Standards for Small Municipal Waste Combustors<br>Title IV - Acid Rain:<br>Finalize List of Phase II Utility Allowances |

Office of Water

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# OFFICE OF WATER
# ASSISTANT ADMINISTRATOR'S OVERVIEW

## INTRODUCTION

The water portion of the Agency's FY 1992 Operating Guidance provides national direction to EPA, States, Indian Tribes, and the regulated community in implementing programs mandated under Federal water protection statutes. These statutes include: the Safe Drinking Water Act (SDWA), as amended by the Lead Contamination Control Act of 1988; the Clean Water Act (CWA), as amended by the Water Quality Act of 1987; and the Marine Protection, Research and Sanctuaries Act (MPRSA), as amended by the Ocean Dumping Ban Act of 1988; Shore Protection Act; Marine Plastics, Pollution, Research and Control Act; and the Coastal Zone Management Act, as amended. The Agency and the States also implement programs to protect ground-water quality through provisions under several different statutes. FY 1992 represents the first year of implementing the Office of Water's Four Year Strategy For Fiscal Years 1992-1995.

## PROGRAM DIRECTIONS AND PRIORITIES

In FY 1992 the OW program will continue emphasis on sustaining ecological resources and protecting human health and welfare through the protection, restoration, and enhancement of the Nations water resources: rivers and streams, lakes, coastal and marine waters, wetlands, ground water, and public drinking water supplies.

The FY 1992 water quality program continues our efforts to meet legislative requirements and presidential mandates related to toxic contamination, nonpoint sources, wetland losses, coastal and marine pollution, storm water, combined sewer overflows (CSOs) and enforcement. Our programs are designed to reduce risk and protect the Nation's waters, living resources, critical habitats, and the Federal investment in municipal wastewater treatment. In 1992, water programs will increasingly use the following hierarchy for protecting water resources: natural resource conservation, source reduction, recycling and reuse, treatment and disposal.

Our Strategy recognizes that existing controls must be maintained at needed levels if the gains we have achieved are not to be eroded, but it also recognizes that the national regulatory approach, by itself, is not adequate to address site specific problems in critical watersheds. The strategy introduces geographically targeted approaches to improve water quality in critical areas that protects the improvements already achieved and builds on State and local efforts to protect valuable surface and ground waters.

We will work with States and Regions to identify site-specific problems and solutions, using tools available across water programs and involving those outside of the water program. This strategy promotes increased integration of other Federal, State, and local agency programs by using their expertise and resources to develop multifaceted and cost effective solutions. This approach also includes stressing effective use of the information we collect to make program decisions by sharing of data across EPA programs and Federal Agencies. We will also place increased emphasis on improving the science of ecological protection by developing ecological indicators and criteria to improve our ability to identify and reduce ecological risk and measure success across programs. Priority will be given to improving the scientific basis for future actions through research in key areas including: toxics, sediments, and wetlands.

The drinking water program will continue to aggressively implement the new drinking water regulations, concentrating on the surface water treatment rule, the lead and copper rule, and the Phase II (inorganic and organic contaminants) rule. Enforcement of the new regulations as they become effective will be a high priority. The drinking water program will continue to emphasize the need for a strong, effective enforcement program at both the State and Federal levels. Regions will encourage States to explore system restructuring as part of an enforcement action, and will negotiate with States for this activity. Regions will work with States to insure that the new regulations are adopted and implemented in a timely manner. The program will place training of public water system operators on the new requirements as a high priority and will continue to work with outside groups (e.g., NRWA, AWWA) to accomplish this. We will enforce PWS standards for protection of public health when States fail to take action because they have not achieved primacy for the new rules, have given up primacy, or lack the resources to take appropriate action.

The Office of Water's introduction of geographically targeted approaches to improving water quality will insure that drinking water supplies are protected and that suppliers of water comply with regulations in effect. Of particular concern are shallow wells in identified wellhead protection areas. With the relatively recent establishment of the specific ground water program area, ground water initiatives should be addressed vigorously and vigilantly in order to continue the momentum needed to cohesively integrate ground water where appropriate into the overall agency mission.

The Underground Injection Control program will place greater emphasis on Class V wells that pose the greatest risk to underground sources of drinking water, on Class IV wells, and on Class I hazardous waste wells impacted by the RCRA land ban.

Increased emphasis on pollution prevention will complement our water quality program. Prevention offers additional tools to

help us move beyond what is achievable with end-of-pipe fixes, giving us greater capability -- and greater flexibility -- to address localized problems requiring more stringent control. Our ultimate goal is to fully institutionalize pollution prevention into all water programs - both regulatory and non-regulatory. For example, one aspect of the marine debris problem, plastic pellets, will be addressed through programs aimed at identifying sources and implementing control measures that prevent their release into CSO's and storm sewers. Additionally, the wellhead protection program is a key example of pollution prevention.

State based Municipal Water Pollution Prevention programs will foster pollution prevention and compliance maintenance at Publicly Owned Treatment Works through application of the pollution prevention hierarchy and a preventive management approach to problem solving.

This guidance reflects the need to complement and balance the existing Federal/State regulatory programs with efforts to empower State and Local governments - and the public - the objective being to mobilize their support for protection and stewardship of water resources, with Federal and State governments offering technical, scientific, and educational assistance to support and reinforce grassroots efforts. Our approach, which stresses cross program initiatives and building partnerships with other Federal Agencies, States, local governments, and private groups, is consistent with EPA's Science Advisory Board Report -- Reducing Risk: Setting Priorities and Strategies for Environmental Protection which states "The environment is an interrelated whole, and society's environmental protection efforts should be integrated as well...protecting the environment effectively in the future will require a more broadly conceived strategic approach, one that involves the cooperative efforts of all segments of society."

REDUCING RISKS THROUGH IMPROVED SCIENCE

We will work with ORD to undertake research in several additional areas during FY 1992 to develop a sound scientific basis for future actions. Key research areas will include: toxics, contaminated sediments, and wetlands.

In FY 1992, we will emphasize improved analytical methods and control methods for toxic pollutants. We will continue to develop better methods and protocols to control toxicity in municipal wastewater treatment and the determination of specific biological pathways and decomposition products. We will complete the development of a procedure for assessing and controlling toxicants that bioconcentrate in fish and shellfish tissue. We will assess exposure-effect relations of contaminated sediments through development of acute and chronic sediment toxicity tests, dose response experiments with sensitive benthic species, and examination of the accumulation process of sediment contaminates

by benthic organisms and the transport into higher organisms in the food chain, and evaluation of procedures to determine sediment quality criteria. These activities will form the basis of a strategy to prevent sediment contamination. Efforts to begin to resolve toxics in the Great Lakes will continue through in-place toxic pollutant remediation demonstration projects developing whole wasteload allocation procedures and developing a capacity to analyze toxic substances on a lake wide scope from a ship platform.

Knowledge of fate and transport of sediment contaminants is an integral part of a risk assessment or a remedial action plan. In FY 1992, we will continue to examine the deposition of particles and contaminants across sediment water boundary, partitioning of chemicals between sediment phases, routes of exposure to benthic and other organisms, and transport/resuspension of toxics back into the water columns. We will also continue work on methods for mitigating sedimentation problems and conclude the five year demonstration program of alternative technologies for remediation of contaminated sediments in five Great Lakes Areas of Concern.

In FY 1992, we will work with ORD and other Federal Agencies to strengthen our research efforts to quantify the water quality functions of inland wetlands, evaluate the sensitivity of wetlands to contaminants, develop cumulative impact assessment procedures and improve methods for the creation and restoration of wetlands. Promising technologies currently under development such as using constructed wetlands as a treatment of wastewater from small communities and for acid mine drainage will be evaluated and refined for use by regulators, States, and local communities. We will address ecological risks by improving our understanding of the relationship between water quality and land altering activities, such as agriculture and urban development. We will increase our research on the fate and transport of fluid contaminants and the extent to which they degrade over time. We will interface with other ongoing surficial aquifer research programs, U.S.G.S., for example, and investigate bioremediation and other factors that determine the impact of injection practices on the subsurface environment.

We will address ecological and human health risks and protect critical water and living resources threatened by toxic pollutants by establishing environmentally sound scientifically based water quality standards and effluent guidelines; and aggressively implementing and expanding the NPDES permitting program through the use of techniques such as whole effluent toxicity, whole effluent bioconcentration assessments, toxicity identification evaluations (TIE), and sediment contamination controls. Similarly, the pretreatment program will address toxic discharges to POTW's from industrial users. We will also accelerate our training and technical assistance for States and local governments to build their capabilities to control toxic pollutants.

In completing the remaining Drinking Water Standards, we will continue to emphasize regulatory development for the toxic-chemical contaminants specified in the 1986 SDWA Amendments. We will promulgate regulations establishing MCLGs and NPDWRs for radionuclides and 24 inorganics and synthetic organic chemicals. Work will continue on developing the final treatment rule for ground-water disinfection and disinfection by-products. The rule setting standards for approximately 15 contaminants from the First Drinking Water Priority List will be under proposal. We will also provide rule interpretation and technical advice on the Surface Water Treatment Rule, Total Coliforms Rule, and the Lead and Copper Rule. We will continue to provide health advisories, enforce regulations, and promote water treatment to reduce risks to human health from drinking water.

USING ECOLOGICAL INDICATORS TO MEASURE REDUCTION IN RISKS

In FY 1992, the water quality program will place additional emphasis on addressing biological and physical impacts to ecosystems. The traditional monitoring and analytical methods used to determine the health of our water resources have been based primarily on water chemistry. While there is still much work to be done to effectively control toxic chemicals, use of these methods alone allows us to manage and detect only a portion of the total risk to environmental health and does not allow us to fully assess the impact of our programs. There are waters of the U.S. that meet all applicable water quality standards and designated uses - but don't support living resources because the in-place programs did not go far enough in addressing toxicity to aquatic life, bioaccumulation, bioconcentation, etc. The tools essential for understanding the impact of pollution on wildlife and ecosystems, addressing biological and habitat risk, and measuring the progress in reducing ecological risks to these resources do not currently exist.

In FY 1992 we will strengthen development of scientifically valid, ecological indicators and criteria and standards. Our long term goal is to integrate ecological protection as a cornerstone of water quality protection programs and develop a solid scientific and technical foundation for our program decisions and measurement of our program's success. States and agencies will then have a comprehensive scientific basis to adopt water quality standards for their programs that prevent and control water pollution and habitat destruction.

Specifically we will continue to develop cost-effective rapid bioassessment methods and chronic biological technique methods for both fresh waters and marine waters to quickly identify stressed ecosystems and monitor the results of program improvements. During FY 1992, we will work with the National Wetlands Inventory (US Fish and Wildlife Service) on the feasibility and costs to make the data more useful as an environmental indicator over the longer term. Our emphasis will

be on identifying and collecting data on key wetland indicators that track the health, status and trends of wetlands and the President's no net loss goal. We will also examine the relationship between ground-water discharge and surface water quality as well as set priorities for developing approaches to protect ground-waters supplying base flow to sensitive aquatic ecosystems.

We will publish biological criteria guidance that will protect the ecological functions of wetlands, lakes, oceans and estuaries and the animal and plant communities that depend on them. We intend to identify indicators that best reflect the ecological integrity of ecosystems and measure ecological changes. We will also develop technical guidance that enables States, other EPA programs, and other Federal Agencies to use these criteria to factor ecological risks into water based decisions. We will develop sediment quality criteria protective of aquatic life, guidance on identifying and managing contaminated sediments and a methodology for criteria protective of human health in support of the Great Lakes Initiative.

## GEOGRAPHIC APPROACHES TO REDUCING RISKS

In some geographic areas the control of point sources by technology-based controls has adequately protected the aquatic ecosystems and must be continued to maintain the environmental gains. However, in other geographical areas, environmental degradation is occurring because of continued growth and development or simply because control of traditional point sources of pollution does not protect the environment from degradation. We now know that we must view the integrity of the water environment holistically--the sum total of the complete biological, chemical, and physical dynamics necessary to sustain the long term ecological integrity of a health ecosystem on a waterbody specific basis. We also know that if we are to be successful, we must increase integration of previously compartmentalized programs and institutions into a cohesive infrastructure that focuses on reducing and controlling the risks to the ecology of a given waterbody or groundwater source - whether they are caused by point sources, nonpoint sources of pollution, combined sewer overflows, stormwater runoff, or habitat destruction. We will improve our understanding of ground-water and surface water interconnections and the impact of injection practices and other means of disposal on ecosystems and wetlands, emphasizing protection instead of remediation.

## GREAT LAKES PROGRAM

For FY 1992, the Administrator has called for an Agency-wide geographically targeted approach to the protection and restoration of the Great Lakes Basin. EPA has made significant improvements in eliminating discharges of conventional pollutants within the Great Lakes Basin over the last several decades.

However, significant environmental problems remain. These problems require a multi-media, multi-program approach that stresses geographically focused efforts. This will allow the Agency and the Office of Water to move forward with key implementation efforts and will provide a model for EPA to follow in addressing environmental problems in other geographic areas.

COMPREHENSIVE GROUNDWATER PROTECTION INITIATIVE

Groundwater protection has been pursued primarily through regulatory controls of specific pollutants and remediation of contaminated ground water, i.e. FIFRA, RCRA, and CERCLA programs. As the various authorities under which EPA protects ground-water were developed independent of each other, the Agency has had to operate without clear objectives or priorities for ground-water protection.

Furthermore, it has become clear that the potential sources of ground-water contamination extend beyond the sources subject to Federal regulation and include smaller, more numerous, and more widely dispersed sources. Indeed, depending on their proximity to drinking water wells or vulnerable aquifers that support aquatic ecosystems, these small sources can pose much greater health and environmental risks than the sources traditionally viewed as threatening ground-water.

Recognizing the threat these non-traditional sources of contamination pose and the lack of an overarching ground-water protection goal, the Administrator's Ground-Water Task Force has issued EPA Ground-Water Protection Principles which will guide agency efforts. The task force has also recommended that EPA adopt State Comprehensive Ground-Water protection programs and the resource-oriented approach to ground-water protection that underlies them. A resource-oriented approach extends groundwater protection beyond the controlling of a few Federally regulated sources to the safeguarding of ground-water resources from the full range of potential threats.

Comprehensive Programs provide a State-level framework that integrates the various Federal, State and local government ground-water activities. Coordination will extend beyond attempts to integrate various ground-water pollution source control programs to include integrated ground-water data systems, coordinated Federal grant assistance to States and consistent ground-water regulations. Through Comprehensive Programs, States will address non-traditional sources of ground-water contamination, many of which are so localized that they would be overlooked in a larger-scale watershed approach. By integrating and targeting national programs and by addressing the sources of contamination that national programs do not address, Comprehensive Programs move toward reducing the Agency goal of preventing adverse effects to human health and the environment and protecting the environmental integrity of the Nation's ground-water resources.

During FY 1992, EPA will continue to assist States in development and implementation of Comprehensive Programs. Through the Ground-Water Regulatory Cluster, Headquarters will support Comprehensive Programs by ensuring coordination of ground-water related decisions made across regulations, offices, and media. Headquarters staff will also support the work of the Ground-water Policy Committee, established during FY 1991 to oversee the development of and integration of Agency policies and programs related to ground-water protection.

At the regional level, all ground-water related programs will continue to establish priorities, milestones and commitments for supporting Comprehensive Ground-Water Protection Programs. Also, Region/State ground-water grant agreements will be specifically structured to support the elements of a State Comprehensive Ground-Water Protection Program. Critical in this process is EPA program commitment to defer to State ground-water policies, priorities, and standards when these State guidelines have been established pursuant to an acceptable Comprehensive Ground-Water Protection Program. Regional programs will also conduct annual evaluations of progress made by Headquarters, Regions, and States in implementing Comprehensive Programs.

THE WATERSHED INITITIATIVE

In FY 1992, the Watershed Initiative will focus actual protection and restoration activities in specific watersheds that were identified in 1991. The criteria for evaluating and selecting watersheds will include: human health and ecological risk; possibility of additional environmental degradation; likelihood of achieving demonstrable environmental results; implementability; extent of alliances with other Federal agencies and States to coordinate resources and actions; value of the watershed to the public; resource needs; and use of existing or development of new assessment information. Specific guidance will be developed in FY 91 identifying the specific criteria we will use to select the water bodies to ensure consistent national application.

Programs in these targeted areas will emphasize integrating traditional control technologies such as water quality standards, permits, and enforcement actions with a broader use of nonpoint source control and prevention programs, the technology information network, education, and public outreach. We will also encourage States to consider geographically targeted high priority watersheds in their SRF goals and objectives. Our approach will increasingly be tailored for individual watersheds to ensure that maximum risk reductions and critical habitat protection occurs.

We will continue to work with States to focus Section 319 NPS management program implementation in geographically targeted watersheds to reduce major NPS effects. We will also sponsor a NPS forum to strengthen and broaden public commitment to modify

their activities to prevent NPS pollution.

Success of these projects will be evaluated through close and frequent management review, relying where possible on the use of environmental indicators that assess the ecological improvement in the watershed. We will work to ensure the fullest possible participation of other concerned agencies, such as USDA, NOAA, DOI, USGS, COE, etc.

A key opportunity for inter-agency coordination has been provided by enactment of the Coastal Zone Act Reauthorization Amendments of 1990. EPA will work closely with the Department of Commerce's National Oceanic and Atmospheric Administration to jointly promote the development of State Coastal Nonpoint Pollution Control programs to restore and protect coastal water quality. EPA will also continue and increase its discussions with the Forest Service, Bureau of Reclamation and other Federal land management agencies to promote activities that protect water quality on Federal land.

BUILDING PARTNERSHIPS AND ALLIANCES AMONG ALL LEVELS OF GOVERNMENT

In emphasizing the building of partnerships and alliances among all levels of government, we recognize that protecting our drinking water, ground water, surface water, and ocean resources demands shared responsibilities among all affected parties. In particular for FY 1992, we will strive to build effective partnerships spanning Federal, State, and local governments.

A key activity will be working with the States and other groups through our mobilization effort to build State capability to effectively implement the expanding public water system supervision program. Because States have primary enforcement authority for implementing EPA requirements, States will be required to expand their commitment to broad drinking water supply protection and invest in new approaches for interacting with public water systems, local governments, and other players.

In FY 1992, the drinking water program will continue to work with States to insure implementation of new drinking water regulations as well as to strengthen the current primacy programs. We will work especially with the States to improve their enforcement programs and their reporting of violation and other data to EPA. Guiding States and local governments in establishing a relationship as co-implementors of drinking water requirements to more efficiently reach small communities to stimulate voluntary grassroots support to enhance State program implementation efforts will be a priority. An essential aspect of the State/EPA partnership will be EPA's efforts to provide the States opportunities for early involvement in rule making and policy making. In addition, the drinking water program will focus

attention on training needed by system operators and State personnel to build the capability to implement the new regulations.

We will continue to work with USDA on the President's Water Quality Initiative for agriculture, assuring that USDA programs and resources are increasingly targeted to solving State water quality priorities. A key facet of the initiative is improved agricultural chemical management to protect both surface and ground water by building effective State-level relationships among water quality agencies and agricultural agencies.

Comprehensive groundwater protection programs will serve as the mechanism to coordinate Federal, State and local ground water protection activity under relevant statutes. For Class V wells, priority will be given to supporting States in building a cooperative relationship with local governments which are frequently in the best position to locate problem wells and implement solutions.

In FY 1992 we anticipate the availability of section 104 (b)(3) grants. States can use these funds, once approved, for building capabilities for supporting unique permitting, pretreatment and enforcement needs in special areas, such as toxic pollutant controls, sludge disposal or reuse, storm water or combined sewer overflows. The cooperative agreements will also support training, special studies, surveys and/or demonstrations including a focus on geographic targeting. In negotiating Section 319 NPS management grants, we will encourage specific implementation activities that can serve as incentives to cooperative NPS control and abatement actions among Federal and State agencies in targeted watersheds.

In the area of wastewater treatment, we will continue to conduct strong municipal community outreach programs through municipal water pollution/prevention, small community outreach and education, operator training, operations and maintenance technical assistance, technology transfer and public education. The principle goals of these programs are to enable municipalities to plan, design, finance, construct, operate and maintain affordable wastewater facilities; and to encourage municipalities to integrate pollution prevention principles into wastewater management activities. To meet these goals, we will continue to enlist the participation of State and local governments, national organizations, and other Federal agencies.

One of the major avenues to achieving the Presidents's goal of "no net loss" of wetlands is through increasing the roles and responsibilities of State governments and Indian tribes in wetlands protection. Grant assistance allows many States and Indian tribes to acquire basic information and data on their wetlands resources and the risks posed to these resources, examine a wide variety of techniques for protection for these critical resources, and develop comprehensive wetlands

protections plans that may combine watershed, nonpoint source, river corridor, estuary/coastal management and other critical habitat protection initiatives. States may also undertake aggressive public outreach/education campaigns in concert with local government planning and protection measures.

All 51 States and Territories had established State Revolving Fund (SRF) programs by the end of FY 1990. In FY 1992, we will continue the capitalization of existing SRFs and will provide technical assistance to ensure the long term viability of the program and enable States to assist communities to build new and upgraded POTWs to comply with the Clean Water Act; and support correction of environmentally sensitive municipal pollution problems in Boston Harbor, Massachusetts and Tijuana, Mexico.

In addition, we will work with the States and communities to achieve increased environmental results in FY 1992 by initiating operations at an additional 450 construction grants funded publicly owned wastewater treatment works, bringing the total number to approximately 13,150. This number will increase to approximately 14,400 by the end of the program.

Water quality monitoring is another area in which significant coordination with other Federal, State, and local groups, as well as private citizen activities such as volunteer monitoring, is essential if we are to have the information on water quality necessary to assess the effectiveness of our program. Several other federal agencies such as NOAA and USGS have monitoring capabilities and resources which need to be integrated with EPA's water quality focus, particularly in targeted watersheds.

ENSURING MANAGEMENT INTEGRITY

Ensuring management integrity through improved access to and use of water data and effective management of Construction Grants projects will continue to be priorities. Historically, data systems have been developed as the programs mature and used by individual programs with focused needs. Given the large amount of data existing and the need to better identify problem areas and measure environmental progress, environmental data bases must be expanded and modified not only to support the Agency's program to improve management integrity but to also provide the data and tools to develop the information that will be necessary to support our geographic targeting initiative in critical watersheds and the Great Lakes Basin. There is a need to improve data collection, including baseline information, so that we can make better decisions. Initiatives, which are dependent upon the use of environmental data to characterize the problems in critical watersheds and define baseline conditions, as well as the use of compliance and other data are necessary to measure the effectiveness of the actions we have taken. For example, in FY 1992, we will be able to provide Class II UIC program directors with a user friendly, affordable software that will make it

easier to identify problem areas, make better decisions, and generate reports. The system incorporates a FINDS identifier element that will greatly enhance cross-program and multi-media initiatives. The PWSS program will continue to emphasize data quality through data audits and careful determinations of reporting requirements. Another example is the Permits Compliance System (PCS). The PCS system is adding latitude/longitude to improve geographic data links and is also starting a study on public access to the data.

In FY 1992, we will make a major commitment to accelerating the phaseout of the construction grants program. This includes full implementation of the Agency's construction grants program completion/closeout strategy which was initiated in FY 1991. Our objective will be to maintain quality management of the program and ensure fiscal integrity of the anticipated 4,800 construction grants projects that will still be active at the beginning of FY 1992.

Office of Solid Waste and Emergency Response

# OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

## ASSISTANT ADMINISTRATOR'S OVERVIEW

The FY 1992 Operating Year Guidance for the Office Of Solid Waste and Emergency Response addresses the solid waste and hazardous waste programs mandated by the following statutes:

- The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA);
- The Emergency Planning and Community Right-to-Know Act (EPCRA), also know as SARA Title III;
- The Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), including Subtitle C (hazardous waste), Subtitle D (solid waste), Subtitle I (underground storage tanks); and Subtitle J (otherwise known as the Medical Waste Tracking Act of 1988).
- The Oil Pollution Act of 1990 (OPA);
- The Clean Air Act of 1990 (CAA), as it relates to accidental chemical releases; and
- The Hazardous Materials Transportation Uniform Safety Act (HMTUSA).

FY 1992 will be a critical year for OSWER programs, as a number of initiatives begin to bear fruit. OSWER will implement the recommendations of the Science Advisory Board, which call for use of risk-based priorities in planning and budgeting, improving the methodologies to assess risk, and emphasizing pollution prevention. In addition, OSWER programs will begin developing regulations and guidance for two recently enacted statutes, the Oil Pollution Act (OPA) and the Clean Air Act (CAA).

In developing the annual operating guidance, OSWER is building on its four-year Strategic Plan, which provides the framework to accomplish OSWER's programmatic goals. The enforcement goals and objectives for FY 1992 are consistent with major elements of the Office of Enforcement's (OE) FY 1992 Operating Guidance. This year's guidance also incorporates the results of recent self-evaluations of programs. The RCRA Implementation Study (RIS) has resulted in a number of strategic changes which will be addressed in the RCRA Program Guidance for 1992. Many of the recommendations contained in the Superfund Management Review, completed in FY 1989, have already been implemented. In addition, OSWER has recently reviewed and is updating the Agenda for Action, which details activities to be undertaken in support of the Municipal Solid Waste Program.

Pollution prevention and enforcement continue to receive strong emphasis in 1992. In addition,there are several underlying themes which will be a common thread throughout all of OSWER's programs in 1992. These are as follows: utilizing risk based priorities; developing environmental indicators; emphasizing training and outreach; expanding the use of innovative technology; enhancing program management; and research and development.

Utilizing Risk Based Priorities

The hazardous waste programs will continue to address worst sites first, based on the environmental significance of these sites. In Superfund, the Hazard Ranking System (HRS) is utilized to produce a National Priorities List (NPL) of sites requiring Federal attention. For RCRA, Regions will determine which sites to address first through facility prioritization. RCRA facility assessments, or the equivalent, will continue to be performed under the Environmental Priorities Initiative (EPI) in 1992.

Developing Environmental Indicators

In FY 1992 OSWER will continue its efforts to measure the effectiveness of its programs in reducing risk to human health and the environment. Programs will continue to refine the criteria and collect data necessary to depict this environmental progress. In Superfund, measures addressing contaminant reduction and ecological impacts will be examined, in addition to continuing implementation of existing measures. RCRA activities will focus on identifying appropriate indicators. This will include enhancing the Biennial Reporting process to collect more comprehensive data on hazardous waste generation and disposal practices, and corrective action. In the Title III program, efforts will focus on developing an indicator to measure reductions in the number and/or severity of accidental chemical releases, using as a starting point data from the Accidental Release Information Program (ARIP), as well as data from other available data systems. The UST program will continue its monitoring of a number of measures correlated with risk reduction gains. UST measures will include indicators of cleanup activity (releases brought under control, cleanup actions completed), indicators of prevention activity (number of tanks upgraded, closed), as well as baseline exposure measures (number of sites with groundwater contamination, number of households affected by releases).

Emphasizing Training and Outreach

The On-Scene Coordinator/Remedial Project Manager (OSC/RPM) Support Program has been very successful in ensuring that new Superfund field personnel receive appropriate training in a timely manner. We will expand this program in FY 1992 to ensure that information on remedy selection and innovative technology is effectively

communicated to new personnel. The Subtitle C program will emphasize authorization training for Regions and States, enforcement training and training for selected new rules.

The Municipal Solid Waste (MSW), Underground Storage Tank (UST) and Emergency Planning and Community Right-to-Know (EPCRA) programs will continue their outreach programs in 1992, ensuring that Regions, State and local governments, and Indian Tribes receive training and technical assistance. The MSW program will update the Agenda for Action, and the UST program will establish a national communications network to ensure that new technology and information is readily available for all affected groups. The Chemical Emergency Preparedness and Prevention Program will expand its capability building activities to prepare State, Tribal and local agencies to accept new responsibilities.

Expanding Use of Innovative Technology

The Technology Innovation Office (TIO) was created to address technology concerns outlined in "A Management Review of the Superfund Program" (commonly referred to as the Superfund 90 day study). The mission of TIO is to increase applications of innovative treatment technology by government and industry to contaminated soils and groundwater at CERCLA sites, RCRA corrective action sites, and underground storage tank sites. TIO will explore institutional barriers to innovative technology, and identify opportunities in existing statutes and regulations for additional flexibility in policies, permit actions, grants and contracting procedures. OSWER is developing a policy directive and implementation plan for increasing the applications of innovative treatment technologies for contaminated soils and ground water, that includes mechanisms and incentives for implementing innovative treatment in OSWER programs. In addition, work with other Federal Agencies will continue to promote innovative treatment technologies and to develop an information exchange network for those technologies. TIO is also working on developing a vendors information database and market assessment analysis for technology development.

Enhancing Program Management

OSWER's internal program evaluations have pointed out the need to strive for continuous improvement in our fiscal and information management systems, accountability systems and planning and priority-setting processes. In FY 1992, we will implement a number of recommendations which were developed as a result of the SMR and the RIS. The Superfund program will continue to use the integrated timeline for establishing performance expectations, and the long term contracting strategy for awarding and administering contracts. The hazardous waste program has developed an integrated prevention/corrective action priority scheme, which will afford

Regions and States greater flexibility in addressing environmentally significant facilities first. The UST program will evaluate program performance and strive for continued improvements in the prevention and corrective action programs. The MSW program will continue to meet with the Regions on a quarterly basis and continue the monthly Regional conference calls.

Research and Development

The majority of research activities related to waste management are directly tied to program development and implementation activities. The Office of Research & Development (ORD) provides technical information and evaluations for regulatory development, technology evaluation and development for cleanups activities, implementation tools such as monitoring methods and risk assessment protocols, and direct hands on technical assistance to Regions in cleanup and permitting technical decision-making.

In support of OSWER's program themes, ORD will focus on providing improved site specific risk assessment protocols, and will implement a major program to develop and demonstrate bioremediation as a cost effective remedial technology. In the area of cleanup technology, focus will be on understanding and improving the many limitations of the pump and treat technology, currently the mainstay of groundwater remediation. Research emphasis will continue on the development of innovative treatment technologies for use in cleanup actions under the Superfund Innovative Technology (SITE) program.

In support of the new Oil Pollution Act, research will focus on beach cleanup technology, chemical dispersant, cleanup monitoring techniques, and technology for recovering oil on fast flowing streams. During FY 1992 a series of protocols will be developed and validated to allow for the evaluation of the efficacy and toxicity of bioremediation processes for use in cleaning up oil spills under various site conditions. Protocols suitable for determining the efficacy and toxicity of dispersant will be completed. In addition, ORD will conduct research to provide response personnel with simplified analytical tools to monitor the progress of a cleanup operation.

ORD will maintain direct technical assistance programs such as START and the Technical Assistance (TA) centers, and these programs are important for improving technical decision-making. OSWER will also explore ways to expand the Superfund TA programs to provide support for RCRA Corrective Action.

PROGRAM HIGHLIGHTS

I. SUPERFUND PROGRAM

The Superfund Program will continue to address the long term strategy delineated in the Superfund Management Review and resulting Implementation Plan. For FY 1992, major activities include:

Dealing with Worst Sites, Worst Problems First

The Site Assessment Four Year Evaluation Strategy requires all sites designated as high priority to be evaluated for inclusion on the NPL within four years of entry into CERCLIS. To identify NPL candidate sites, the Regions will: 1) begin to reprioritize sites with completed site inspections to determine if further action is warranted; and 2) implement the revised Hazard Ranking System. In addition, the Regions will continue to perform Resource Conservation and Recovery Act (RCRA) preliminary assessments under the Environmental Priorities Initiative (EPI).

Similarly, all new and ongoing remedial investigations/feasibility studies (RI/FSs) and all planned new RI/FS starts will be prioritized to ensure that sites entering the RI/FS process will represent the worst problems at the worst sites. The Superfund Program will closely monitor sites throughout the remediation process.

Controlling Acute Threats Immediately

The Superfund program's first priority is to reduce near-term risk to public health. Uncontrolled releases at hazardous waste sites will be identified in a timely manner through site inspections and evaluations, focusing on high risk/volume sites. National Priorities List (NPL) sites will be reviewed and evaluated to determine if immediate threats exist at these sites. In order to better implement a program that reacts quickly and effectively in addressing uncontrolled releases of hazardous wastes, the Superfund program will continue to utilize a combination of response actions and enforcement activities which will improve response time as well as recovery of costs.

Emphasizing Enforcement to Induce Private-Party Cleanup

Superfund enforcement goals continue to be the following: 1) using enforcement authorities to compel the Potential Responsible Party's (PRP) participation in the Superfund process; 2) managing the RD/RA negotiation process within the time frames established under Section 122; 3) maximizing cost recovery to the Trust Fund; and 4) working toward achieving the Management By Objective Goal (MBO) of $300 million in FY 1993. The program has already achieved 50% of

this goal. Regions will continue to use RD/RA settlement tools, including unilateral Administrative Orders, de minimis and mixed funding settlements, referral of treble damage cases, referral of cases against non-settlers and penalty authorities, along with close Inter-agency and intra-agency coordination in the settlement process to meet this goal. Regions are encouraged to improve the trend toward meeting the RD/RA negotiation goal of 180 days. In addition, Regions will continue to give priority attention to the maintenance of comprehensive and up-to-date administrative records.

Promoting Consistency in Selection of Remedies at NPL Sites

The National Contingency Plan (NCP) requires that remedies selected will ensure that: 1) high threat wastes are treated; 2) low threat wastes are contained; and, 3) contaminated ground water is restored or adequately controlled. The Superfund program will continue to bring innovative treatment technology and experience to bear on the remedy selection process. In addition, the program will conduct an analysis of RODs issued in FY 1991 to assess improvements in the quality and consistency of RODs.

Conducting a Well-Managed Superfund Program

OSWER will be conduct a number of activities to build public confidence in the Superfund Program. Many of these activities will focus on how we set expectations and measure performance. The integrated timeline will continue to be utilized for establishing performance expectations. For example, in FY 1992, headquarters will monitor the duration of RI/FSs, which should be completed in 8 quarters or fewer, and the time frame from ROD to RD start, as part of assessing program performance. Headquarters will also coordinate efforts of other offices and agencies, including the Department of Justice, to ensure that timely action is taken in moving sites through the remedial pipeline. We will track ongoing RI/FS projects identified as candidates for the Superfund Innovative Technology Evaluation (SITE) program.

In addition to the above efforts, the Agency has developed a long term contracting strategy for the Superfund program. This strategy identifies the long-term contracting needs of the program and designs a portfolio of Superfund contracts to meet those needs over the next ten years. During FY 1992, implementation of the strategy will continue with the phase-in of new contracts.

Implementing the Oil Pollution Act

The Agency shares responsibility with the United States Coast Guard for implementing major provisions of the Oil Pollution Act of 1990. The Agency will review area contingency plans, issue regulations for facility response plans for non-transportation related facilities, implement recommendations of a report to Congress on

liners or other means of secondary containment, and inspect removal equipment at facilities. The Agency will approve certain facility response plans and conduct area drills. In addition, Regional offices will assist State Emergency Response Commissions (SERCs), Tribes and Local Emergency Planning Committees (LEPCs) in coordinating and linking facility response plans with community emergency response plans developed pursuant to SARA Title III.

## II. RCRA SUBTITLE C, HAZARDOUS WASTE PROGRAM

In July 1990, OSWER issued its RCRA Implementation Study (RIS), which reviewed the hazardous waste program to date and articulated that program's future direction. As noted in the RIS and supported by the Science Advisory Board in its report "Reducing Risk: Setting Priorities and Strategies for Environmental Protection", setting clear priorities based on the greatest environmental result is critical to successful implementation of RCRA.

FY 1992 will be a transition year for the program, as we begin to implement the RIS. The challenge is to continue forward momentum, while we engage in the reappraisal called for in the RIS. The RCRA Implementation Plan (RIP), proposed in February 1991, provides detailed guidance for FY 1992, and sets out a schedule of activities for the remainder of FY 91 and for FY 92. The new RCRA program management framework consists of the following:

### Facility Priority Setting

To address the most environmentally significant facilities first, Regions and States must select the best course using all program tools available. The framework consists of ranking facilities for environmental significance and environmental benefits and choosing and documenting the most appropriate course of action (corrective action or permitting) for the highest ranking facilities. The framework, discussed in detail in the FY 1992 RIP, will assist Regions and States in maximizing environmental benefit from the expenditure of limited resources.

In FY 1992 the next stage of the long term corrective action strategy called for in the RIS will begin -- Regions and States will evaluate the highest ranking facilities to determine whether they are amenable to stabilization and, if so, institute appropriate action.

### Compliance Monitoring and Enforcement

In order to maximize deterrence, specific segments of the regulated community or specific types of violations of regulatory requirements will be targeted for enforcement. These targeted initiatives will be coordinated nationally among EPA Regions, the States and the Department of Justice. An enforcement initiative

aimed at assessing compliance with the Toxicity Characteristic (TC) rule will dovetail into existing plans by several Regions to pursue TC non-notifier cases in FY 91. These cases will be evaluated for potential prosecution in coordination with the Office of Criminal Investigations (OIC). Publicizing these enforcement actions is critical to ensure that the proper audiences are made aware of the significance of the action. Under the revised Civil Penalty Policy, we will seek higher penalties in both administrative and judicial enforcement actions. Penalties must be large enough to create deterrence and negate the economic benefit of non-compliance. In addition, there will be an emphasis on use of a variety of economic sanctions including permit suspension/revocation and contractor suspension and debarment.

Program Management

Developing concise regulations to encourage compliance and reduce resulting costs is a core element of RCRA's direction for the future as charted in the RIS. We have begun the difficult but necessary reassessment of the definition of "solid waste", and we will begin assessment of other rules in FY 1992. Headquarters, States and Regions will play an integral part in this undertaking, which will include evaluating implementation issues.

As a result of the RIS, a number of efforts are underway to speed up the authorization process and to reduce institutional tensions associated with it. Authorization responsibility will be transferred from Headquarters to the Regions. OSWER is also reevaluating current guidance and regulations in an effort to determine whether flexibility is needed to reflect differences among States during the authorization process. In FY 1992, Regions and States will develop and implement multi-year authorization strategies. A rule is also under development which addresses authorization of Indian Tribes.

A successful waste management program is dependent upon a comprehensive and accessible information system that provides reliable data. The RIP will lay out expectations for making RCRIS fully operational in FY 1992.

Pollution Prevention/Waste Minimization

The RCRA program is undertaking incentives to promote recycling, reuse methods and to foster research on waste reduction technologies and alternative industrial processes. Ways to accomplish these objectives include: 1) enforcing the Biennial Report requirement of certification of waste reduction and the waste reduction requirements in permits; 2) incorporating pollution prevention strategies into permit provisions and enforcement case settlements (including multi-media); 3) exploring the appropriate role of RCRA inspectors in pollution prevention;

4) increasing enforcement focus on undiscovered generators of hazardous waste; and 5) increasing outreach/education efforts.

## III. RCRA SUBTITLE D, SOLID WASTE PROGRAM

State/Tribal program development and implementation of the revised criteria for MSW landfills (Part 258) remain the first priorities in FY 1992. EPA will promulgate the revised MSWLF criteria in 1991; technical guidance will be issued shortly thereafter. EPA will propose a companion rule, the State Implementation Guidance, at the same time the revised criteria are promulgated. To ensure effective implementation of these rules, OSWER will issue outreach materials, conduct a series of training seminars on both the revised criteria and the State Implementation Rule (SIR), and provide technical assistance. Where a State/Tribal MSWLF permit program has been determined to be inadequate to ensure compliance with Part 258, EPA will enforce the revised criteria. The Agency currently is researching enforcement options and will be developing an enforcement strategy after consultation with the Regions.

EPA has updated The Solid Waste Dilemma: An Agenda for Action (issued in February 1989) and will issue The Municipal Solid Waste Dilemma: Challenges for the 1990's in 1991. Challenges reports on progress made by all sectors of society and includes a series of challenges to all sectors to promote continued progress. In FY 1992, the Agency will promote the goals of Challenges for the 1990's by: providing project support and technical assistance for source reduction activities and supporting recycling efforts through market development and procurement activities.

The Agency will begin assessing the industrial solid waste universe by collecting data on industrial management practices as well as exploring innovative ways for addressing industrial solid waste.

Finally, EPA will continue to enhance the communication network established in the MSW program. The network is designed to facilitate information exchange among all participants in the MSW program, including Headquarters, EPA Regions, States, Tribes, local governments, business/industry, and the public. This has been an extremely effective way of ensuring input from all sectors, identifying program needs, transferring new technology and methodologies, and promoting the goals of the MSW program.

## IV. RCRA SUBTITLE I, UNDERGROUND STORAGE TANKS PROGRAM

As in previous years, the Underground Storage Tank (UST) program will continue to rely on State and local implementation of the national underground storage tank program. The emphasis of EPA's program implementation is on the long term, and the continuing growth and improvement of State and local programs. Major UST activities for FY 1992 are as follows:

Develop State UST Regulatory Programs

UST's long term goal is for all States to have effective programs that prevent and remediate releases from USTs. UST will continue to work with Regions and States applications for program approval. In those States without approved programs, emphasis will be on building basic program capability while promoting compliance with Federal regulatory requirements. In States that have approved programs, the focus will be on improving program performance.

Focus Compliance and Enforcement on Leak Detection Requirements

The phase-in of release detection requirements will begin to apply to tanks installed during the 1970's, and UST will continue to use these requirements as the focus for developing strong State compliance and enforcement programs. EPA will support States in identifying and adopting tools such as field citations and self-certification programs enhancing the effectiveness of compliance and enforcement efforts. EPA will continue some direct compliance and enforcement efforts, particularly on Indian Lands or for portions of the regulations not fully implemented by the States.

Improve The Quality of Corrective Actions

In FY 1992 EPA will emphasize making petroleum UST remediations get underway more quickly, applying more effective and less expensive technologies, and reducing conflict between regulators and industry. EPA will continue to work with States, local governments, tribes, and industry groups to reduce delays and backlogs on the clean up programs, and to make available training and performance information on new technologies and methods.

V. EMERGENCY PLANNING AND COMMUNITY-RIGHT-TO-KNOW (EPCRA)

Implementation of EPCRA consists primarily of assisting State Emergency Response Commissions (SERCs), Tribes, and Local Emergency Planning Committees (LEPCs) in meeting their responsibilities for planning for and preventing releases of oil and hazardous substances into the environment. During FY 1992, the program will focus on the following activities:

State/Local Capabilities to Prevent/Prepare for Chemical Accidents.

EPA will continue to provide technical assistance, guidance, training, and computer applications, particularly for hazard analysis and emergency planning. These activities are geared towards building State and local capability while preparing the groups to receive planning-related information that will be generated as a result of the recently enacted Clean Air Act Amendments (CAA), the Oil Pollution Act (OPA), and Hazardous Materials Transportation Uniform Safety Act (HMTUSA).

Determine the Causes of Chemical Accidents and Prevention

Chemical Emergency Preparedness and Prevention Office (CEPPO) will confer with stakeholders here and abroad, in the public and private arenas, working to build a national consensus on prevention of accidents. This includes communicating information on inspection methodologies, hazard assessment techniques, and communication tools, gained through conduct of chemical safety audits and the Accidental Release Information Program Reports. The Chemical Accident Prevention (CAP) Advisory Committee, established in 1990, is expected to play a key role in identifying information gaps, needed guidance, means of information transfer, and incentives. SERCs, Tribes and LEPCs will continue to play a critical role in this process since they have a continuing dialogue with industry in reducing risk. The Clean Air Act will require that SERCs, Tribes and LEPCs also receive and interpret facility hazard assessments and plans for prevention of accidents.

Outreach/International Role

Through Regional offices, emphasis will be on balancing technical assistance, outreach efforts, compliance projects, and enforcement actions to assure compliance with the act, and to more effectively utilize information generated.

OSWER will continue to share information on prevention, preparedness and response, working with multi-national organizations such as United Nations Environment Program (UNEP) and Organization for Economic Cooperation and Development (OECD), as well as between nations on a bilateral basis. Emphasis will also be on enhancing U.S. capability to provide needed assistance abroad, as well as obtain needed assistance here, in dealing with hazardous materials.

Special Preparedness Program

OSWER coordinates significant emergency events through either the National Incident Coordination Team (NICT) or the Emergency Preparedness Advisory Committee (EPAC). Also, CEPPO has major responsibility for implementing the Federal Response Plan for Public Law 93-288 (known as the Plan for Federal Response to a Catastrophic Earthquake). The coordination for such emergencies is in the Agency's new Emergency Operations Center (EOC).

Office of Pesticides and Toxic Substances

**OFFICE OF PESTICIDES AND TOXIC SUBSTANCES**

**FY 1992 OPERATING GUIDANCE**

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## ASSISTANT ADMINISTRATOR'S OVERVIEW

### A. Introduction

The FY 1992 operating guidance is intended to build on Agency-wide discussions that were held at the FY 1992 Easton planning meeting. This guidance provides general program direction to EPA, States and Tribes in carrying out programs under the following statutes: Toxic Substances Control Act (TSCA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, as amended in 1988), Emergency Planning and Community Right-To-Know Act (EPCRA), Asbestos Hazard Emergency Response Act (AHERA), Asbestos School Hazard Abatement Act (ASHAA), Asbestos Information Act (AIA), and Federal Food, Drug, and Cosmetic Act (FFDCA). The pesticides and toxics programs also implement programs authorized under other statutes to protect ground water and endangered species.

This guidance outlines the FY 1992 major management themes, field implementation priorities, and the FY 1992 program priorities that support the pesticide and toxic 4-year strategic plans. OPTS STARS measures and environmental indicators are attached.

Special Note: Since the Agency's FY 1992 operating guidance format has been changed to a more general, less program specific document, comments (other than editorial comments) received from Regions, States, Tribes, and other EPA program offices will be addressed in the following manner. (1) STARS Comments -- OPTS has a formal review process each spring and summer which includes discussions and recommendations for improvements on each OPTS measure. STARS comments on the Agency Operating Guidance (AOG) are addressed during this process. (2) Program Specific Comments -- OPTS has consolidated cooperative agreement guidance for pesticides and toxics field implementation. Program specific comments are addressed in the development of both of these guidance documents during the winter, with final guidance documents issued in March each year for the upcoming year.

### B. Management Themes

The following management principles, and FY 1992 budget themes, will guide the FY 1992 Pesticides and Toxics Program.

#### 1. Regional/State/Tribal Capacity Building

Implementation of the major pesticides and toxics program is dependent on effective, decentralized field delivery systems. To get where we want to be requires new, dynamic roles for the Regions and States. In order to accomplish this, we need to continue a dramatic enhancement of Region, State and Tribal capabilities. With Regional technical assistance and oversight, we are asking the

States to take on the following major tasks and Tribes to begin to become involved in these areas: (1) develop and implement tailored, site-specific management plans for ground water and endangered species; (2) assume responsibilities for pesticide worker protection, asbestos abatement, PCB disposal, food safety, and pesticide container disposal; (3) assist the States in expanding the use of TRI data in local risk reduction decision-making as well as expand data quality enforcement; (4) develop and implement new and expanded State enforcement authorities and enhance traditional inspection and compliance monitoring efforts; and (5) promote multi-media activities, and pollution prevention/toxic use reduction initiatives. To effectively accomplish these tasks, technical assistance and additional resources will continue to be necessary for Regions, States, and Tribes.

2. Enhanced Enforcement

A focused and coordinated compliance monitoring and enforcement effort is critical for successful implementation of the pesticides and toxic substances programs. OPTS' compliance program has developed its strategy in tandem with the strategy of the Office of Enforcement (OE). Successful implementation of the strategy will require more coordination between Headquarters, Regions, and States and Tribes since the emphasis on targeting and screening for violations and enforcement response cross environmental media lines and, therefore require joint oversight mechanisms. Highlights of OPTS' FY 1992 compliance program vis-a-vis the OE strategic plan are as follows:

- o Targeting for maximum environmental results. The food safety enforcement initiative will focus on targeting pesticide enforcement activities toward food-use chemicals. The Laboratory Data Integrity program will focus on better tracking compliance with all data submission requirements and target inspections to assure that data is developed pursuant to the Good Laboratory Practice (GLP) regulations.

- o Creative use of environmental authorities. The EPCRA enforcement initiative will support the use of the EPCRA data in order to incorporate pollution prevention measures into case settlements. The TSCA multi-media initiative will support the development of structures at the Federal and State levels for enhancing administrative, civil, and criminal enforcement within and across media by developing improved screening capabilities for data, information, and evidence of violations.

- o Improving EPA relationship with other governmental units. The Food Safety initiative will establish programs of cooperation with USDA and FDA to promote effective, efficient, and

coordinated Federal regulatory activities. Cooperation between these agencies through the exchange of information and coordinated inspections and enforcement actions is important to assure to enhance targeting and tracking systems to specifically identify food use chemicals. The TSCA decentralization initiative, begun in FY 1990, will continue to encourage States to develop comprehensive and expanded TSCA legislative authorities that would allow States to assume a wide range of TSCA enforcement responsibilities, including case development and multi-chemical control.

- Improving the infrastructure/training. The TSCA decentralization initiative is specifically designed to enhance State infrastructures for TSCA enforcement by encouraging States to develop comprehensive authorities. The multi-media program will provide for a more responsive and flexible enforcement workforce through cross-media training and deployment. The EPCRA TRI enforcement program will build an appropriate infrastructure where only a skeleton exists currently.

3. Pollution Prevention/Risk Reduction

While other EPA programs focus primarily on end of pipe controls or on cleanup of pollutants already disposed of in the environment, OPTS programs focus primarily on preventing risks through front-end controls on pesticide and toxic chemical use. The three components of our toxic chemical use controls are: 1) preventing risky chemicals from entering commerce and encouraging safer substitutes through our new chemicals programs; 2) developing and making available adequate data to assess risks and taking appropriate action to remove risky chemicals form commerce through our existing chemicals programs; and 3) enhancing risk reduction in the field by building Regional and State programs, providing technical assistance, and providing a credible enforcement presence. Enforcement outreach and technical assistance promoting pollution prevention includes encouraging broader participation by industry and the public in activities designed to change production use and recycling habits and working with violators to expand their environmental programs.

As a unifying force to OPTS' pollution prevention efforts, the Agency's Pollution Prevention Strategy will tie together a number of ongoing OPTS activities, such as greater dissemination and utilization of TRI data; outreach and training to States, Tribes, industry and the public; incentives to States and Tribes through grants to enhance pollution prevention activities; and the institutionalization of pollution prevention in EPA's regulatory, permitting and enforcement activities. A vehicle for this will be the strategy's Industrial Toxics Project which will target 17 TRI (EPCRA 313) chemicals and dioxin for reductions for environmental releases. The goal is a 33 percent reduction by the end of 1992 and a 50 percent reduction by 1995. OPTS will have a leadership

role in coordinating this activity by developing the implementation plan and later working with the Regions to carry it out. This activity will, by necessity, help to integrate pollution prevention into OPTS' ongoing chemical assessment and management activities. (See ADDENDUM for identification of 17 TRI chemicals.)

4. Environmental Indicators and STARS Measure Development

OPTS has formed workgroups to develop improved output measures for environmental problem areas emphasized in our 4-year strategic plans. Potential indicators are being investigated and those with the most promise will be pilot-tested with the goal of identifying meaningful STARS measures or surrogates that are more indicative of our environmental successes. We anticipate that preliminary results of these workgroups' efforts will be available as early as FY 1991 but that our best candidates will not be ready until late FY 1992 or beyond. Progress on these indicators are reported in the Agency's Action Tracking System (ATS).

In addition, OPTS has a formal environmental measure review process each spring and summer. Key staff and managers from the Regions and Headquarters form the review team. The results of the review are incorporated in the OPTS measures for each upcoming fiscal year.

5. International Leadership

Increasingly, pesticide and chemical production, testing, use, and regulation affect and are affected by actions taken internationally by one or more countries or international organizations. Our international activities are an integral part of our pesticide and toxic programs. We have several opportunities in OPTS to apply our scientific expertise to international environmental issues. International agreements on testing, development of standards, and hazard assessment will contribute to our domestic pollution prevention and risk reduction goals, and provide world-wide health and environmental benefits.

6. Indian Programs

FIFRA authorizes EPA to enter into cooperative agreements with Indian Tribes to ensure compliance with FIFRA on Tribal Lands and support certification and training of Tribal pesticide applicators. The use of this authority is essential if we are to manage potential risks from pesticides to man and the environment on Tribal Lands. OPTS has implemented this authority through use of compliance and/or certification cooperative agreements in EPA Regions VIII, IX and X. The types of activities implemented under these agreements are the same as those addressed under State cooperative agreements.

In order to strengthen implementation of Tribal cooperative agreements, Tribal pesticide workshops have been coordinated by both Headquarters and Regional representatives. Coordination of Tribal activities and discussion of Tribal concerns will continue and be emphasized in the future to further the benefits received from Tribal cooperative agreements.

The Asbestos Program also coordinates their implementation of ASHAA and AHERA with the Bureau of Indian Affairs. In this way Tribes are assured of notification of asbestos loan and grant opportunities as well as statutory and regulatory requirements and deadlines.

Under the EPCRA program, tribal emergency planning and community right-to-know training continues. Tribes are encouraged to participate in section 313 grant programs and training sessions. OPTS continues to gather information on the status of section 313 facilities on tribal lands in order to better target our resources. Technical assistance continues to be provided as needed on FIFRA, TSCA and EPCRA. OPTS is always looking for alternative ways to improve its Indian program communications and program focus. A study completed in FY 1989 will assist in this effort.

C. Field Implementation Priorities

In FY 1992 the pesticides and toxics field programs will focus on the following environmental problem areas:

1. Asbestos Abatement: In FY 1992, we expect that the ASHAA reauthorization bill will require the extension of accreditation to workers in public and commercial buildings, increased training laws, and revisions to the agency's model accreditation plan. The enforcement efforts will focus on the overall coordination of asbestos activities and conduct inspections to monitor the asbestos ban and phase-out requirements.

2. EPCRA - Section 313: In FY 1992, promoting the use of the TRI data will be a major goal of this program. We will work to encourage the use of the data at the Federal, State, and local levels to support pollution prevention efforts. Section 313 compliance assistance and enforcement efforts will focus on non-reporter compliance and data quality compliance.

3. Polychlorinated Biphenyls (PCBs): In FY 1992, the Toxics Program will continue to review and issue PCB disposal approvals for mobile disposal facilities and high volume Research and Development (R&D) projects, implement the new notification and manifesting rule, issue the wet weight/dry weight rule, provide technical and policy support to the Regions and operate a

clearinghouse for PCB disposal activities. PCB compliance assistance and enforcement priorities in FY 1992 will continue to focus on the compliance of permitted disposal sites, intermediate handlers and brokers.

4. Multi-Media: The TSCA multi-media initiative would expand a program begun in FY 1991 to develop structures at the Federal and State levels for enhancing administrative, civil, and criminal enforcement within and across media by developing improved screening capabilities for data, information, and evidence of violations.

5. Other Toxic Substances Enforcement Priorities (Sections 4, 5, 8, 12, and 13 and Hexavalent Chromium): The TSCA 5 and 8 program in FY 1992 will continue to concentrate on controlling entry and obtaining information on toxic chemicals by reviewing premanufacturing notifications, by identifying chemicals subject to Significant New Use Rules (SNURs), and by biotechnology. Regional focus on compliance efforts are crucial for the success of this program. The TSCA section 4 program will require companies to conduct tests of chemical substances. The section 12 program will enforce rules regarding the export of toxic substances, and section 13 program will enforce rules regarding import of toxic substances. In FY 1992, hexavalent chromium compliance priorities will continue to focus on the program's decentralization and inspections of reporting, labeling, and recordkeeping to ensure that hexavalent chromium-based water treatment chemicals are not being manufactured or distributed for use in Comfort Cooling Towers.

6. Groundwater Protection: In FY 1992, the program will continue to address concerns regarding pesticides and ground water. Phase I and Phase II of the National Pesticides Survey, released in FY 1991, will assist the Agency in evaluating the extent of pesticides in community and rural domestic drinking water wells. The Groundwater Task Force Report, issued in FY 1991, establishes a set of principles to guide the Agency's efforts for preventing and remedying groundwater contamination and calls for the creation of comprehensive state groundwater protection plans. OPTS' goal for FY 1992 is to cooperate with other agency programs to protect the Nation's water supply by implementing the pesticides in groundwater strategy. Compliance activities will support the states role.

7. Endangered Species Protection: The Agency's goal is to advance from a largely voluntary program to an enforceable Federal Program in FY 1992. Submittal of State and tribal-initiated plans will continue to be required for Agency review and approval before the enforceable Federal program begins.

8. Pesticide Worker Protection: In FY 1992, the Agency goal will be to continue developing the training materials required by this program and to disseminate information on the worker protection

standards and training materials as they are completed. Compliance activities will focus on ensuring compliance with the pesticide worker protection rule.

9. Certification and Training Part 171: In FY 1992 the Agency will work with the States to address the changes to State plans required as a result of the revised Part 171 Regulations.

10. Food Safety: In FY 1992 the program will continue to advance Agency pesticide and food safety initiative through improved risk assessment and communication and through pesticide regulatory processes. The food safety enforcement initiative will focus on targeting pesticide enforcement activities toward food-use chemicals.

11. Pesticide Container Regulations: In FY 1992 the Agency will begin implementing the revised regulations on storage, disposal, transportation, and recall of pesticides and pesticide containers. The Agency will prepare guidance and strategies to assist States and Tribes to enforce the new requirements of container design. IT is OCM's cbjective to have adequate compliance enforcement programs for container rinsate requirements by FY 1993.

D. Pesticide and Toxic Program Strategies -- FY 1992 Priorities

As described in Section B above, OPTS directs its attention primarily to the use and pesticide registration of toxic chemicals. As end of pipe controls reach their technological or economic limits, toxic chemical use controls increase their attractiveness as supplements or alternatives. Caution must be exercised when removing an existing chemical from widespread use, however, to prevent any adverse environmental impact. An essential part of any toxic chemical use regulatory program is to ensure that the controls do not result in unintended adverse effects during their implementation. Toxic chemical use control as implemented by OPTS and its Regional and State counterparts is an essential part of the nation's pollution prevention strategy.

In FY 1992, OPTS will intensify its commitment to involve the States and Tribes as full partners in toxic chemical use control programs. States and Tribes have demonstrated a strong interest in such programs. With very limited funding or no funding, at least 40 States have taken on significant responsibilities in the asbestos program, particularly in schools, and 18 States have included PCBs in their RCRA program. For enforcement of TSCA section 5, asbestos and PCB requirements, EPA has entered into enforcement cooperative agreements with 35 States. For enforcement of FIFRA, EPA has entered into cooperative enforcement agreements with 68 States, territories, Indian Nations, and other political entities.

1. Control of Risks from New Chemical Products: The first leg of the triad of OPTS toxic chemical use control programs is preventing use or controlling exposure to chemicals which pose an unreasonable risk to public health or the environment if unregulated. The emphasis of this component of toxic chemical use control programs is on collecting and analyzing information to determine whether each new chemical represents an unreasonable risk. Those chemicals that do pose an unreasonable risk are prevented from entering commerce which encourages the development of safer substitutes.

The toxics programs designed to control entry of toxic chemicals into the environment include reviewing premanufacturing notifications to identify chemicals of concern, adding to the list of chemicals subject to Significant New Use Rules (SNUR), and regulating the development and testing of microbial products of biotechnology. This screening process depends heavily on receiving notice from industry of their intent to manufacture new chemicals and their providing EPA with data to use in the screening process. Regional compliance efforts are an integral part of making the process work. "Voluntary" compliance by the industry needs to be backed up by a strong outreach, inspection, and enforcement effort to drive home the importance of 100% compliance. As part of this effort inspections will be conducted and enforcement actions taken against companies failing to submit a PMN or SNUR information, withholding or submitting false/misleading information or violating exemption restrictions or violating other TSCA section 5 requirements.

The Pesticide Program mechanism for controlling the entry of pesticides (active ingredients) into the environment is the use of the registration and re-registration process. The registration process is a national licensing program whereby potential registrants petition the Agency, provide health and environmental data, and the Agency then analyzes the risk associated with the chemical's use. If there are no unreasonable adverse effects to man or the environment, the product is registered. Additional pollution prevention efforts by the pesticide program includes encouraging the development of safer pesticides including microbials and biochemicals and encouraging use of alternative agricultural practices such as LISA (low input sustainable agriculture) and IPM (integrated pest management).

The Pesticide Registration Tracking Enforcement Program's mandate is to monitor new and existing pesticide product analyses submitted by companies in compliance with FIFRA Section 3(c)(2)(b). The increased number of studies being submitted under the reregistration program of the 1988 Amendments to FIFRA will greatly expand the activities of this program in FY 1992. A computer database system called the Pesticide Registration Enforcement system (PRES) was initiated in FY 1990 and is used to facilitate the management of data collected during the registration process. The compliance program needs to determine any short and long term

adjustments for meeting the goals of test study deadline compliance as the PRES system is totally implemented into the emerging enforcement tracking and compliance program for FIFRA Section 3(c)(2)(b) in FY 1992.

As an additional element of routine comprehensive inspections, delegated States and Tribes will conduct inspections to ensure compliance with the label requirements, suspension/cancellations, use restrictions and other restrictions and precautions imposed as a result of the registration and re-registration process. The Regions will provide guidance and oversight for these activities.

2. Control of Risks from Existing Chemical Products: The second leg of the triad of OPTS toxic chemical use control programs deals with chemicals already in use in the environment. Controlling the use and disposal of these chemicals involves three activities: (1) obtaining information about potentially risky chemicals already in use and sharing that information with environmental decision-makers at all levels; (2) reducing risk by controlling use and disposal of chemicals which have been determined to present unreasonable risks and/or reduce unnecessary exposure; and (3) selectively removing certain chemicals from current use or rendering them harmless in place while ensuring that we do not exacerbate the hazard or substitute one hazard for another.

The toxics program plans to "revitalize" its existing chemicals program to maximize program productivity. OPTS will reduce risk and eliminate unreasonable risk through a variety of regulatory and non-regulatory actions. The existing chemicals program in toxics plans to obtain its goals by establishing priority screening methods and proceeding with chemical testing, risk assessment, and risk management activities.

The toxics program obtains information on chemicals which leads to priority screening. Under TSCA section 8, which requires manufacturers of chemicals to provide data for EPA to do further analysis, section 4 which can require additional data to be generated, and under EPCRA (Title III), section 313, which requires facilities that manufacture, process, or use chemicals to report their emissions to the air, water, and land. OPTS will use the authorities to prioritize chemicals and identify those possible risk reduction candidates. In addition to focusing on existing methods for obtaining data and screening chemicals, the existing chemicals program plans to increase communication and coordination with other EPA offices, states, tribes, and other public sector constituents. By tapping into these sources, OPTS will be more effective in its efforts to implement priority screening.

Chemical Testing will enhance the programs ability to reduce risk and eliminate unreasonable risk by developing a master testing list. OPTS plans to develop multi-chemical test rules for a variety of chemical clusters, improve international coordination

by sharing test information, and conduct vigorous enforcement and compliance activities focusing on aggressive enforcement of Good Laboratory Practices rules, and bringing manufacturers into compliance with dioxin/furan test rules as well as TSCA section 4 and 8.

Risk assessment and risk management activities will include publishing the Chemical Control List that will feed into the overall system to set priorities and encourage voluntary risk reduction. OPTS plans to strengthen links to other EPA program areas to foster an Agency-wide multi-media approach to chemical problems. As an additional part of the OPTS revitalization, the existing chemicals program will propose a product stewardship rule to require producers to control lifecycle risks. OPTS is also developing an Environmental Hazard Communication rule to require manufacturers, processors and distributors to apprise their customers of health and environmental risks at the time of the sale of commercial chemicals.

Other risk management activities include implementing the dioxin pollution prevention strategy, the lead(Pb) strategy, evaluating the uses of TSCA to support the Agency's Great lakes projects. OPTS plans to investigate using TSCA, section 6 authority to reduce risk from toxics in a specific geographic area. The use of this authority will lend itself to multi-media, multi-chemical approaches to risk reduction in sensitive areas. To complement this goal, OPTS will integrate the results of the Regional Comparative Risk projects into the revitalization programs and consider the uses of TSCA and EPCRA, section 313 to facilitate implementation of Regional priorities.

Regional compliance efforts are crucial for the successful use of sections 8,5, and 4. Outreach, inspections, and enforcement are essential to give the information collection effort integrity.

The Regions and delegated States and Tribes will conduct compliance monitoring activities to ensure that chemicals that have been banned are no longer manufactured and distributed in commerce and are phased out of use within the mandated timeframes. The compliance effort is directed at preventing hazards from chemicals found to present unreasonable risks such as PCBs and asbestos.

The pesticide program has several mechanisms to control the use of pesticides in the environment. First the agency can restrict the use of certain pesticides (i.e., restricted use products) that have the potential to cause adverse effects to man or the environment when applied incorrectly. Sale or distribution is limited to applicators that have been trained and certified by a State, Tribe, or U.S. Territory with their training the program assures that private and commercial applicator's have reached an acceptable level of competency. The Agency then is assured that the

applicator has demonstrated knowledge of safe pesticide handling practices and is more likely to apply the potentially hazardous product correctly.

The re-registration process revisits the initial decision that registered older products as new technology and improved scientific methods have evolved since these decisions were made. This process entails: 1) reevaluating the data that initially supported a product's registration against current toxicological standards; 2) conducting risk assessments for humans and wildlife, 3) evaluating the fate of the chemical in the environment, and 4) reevaluating food tolerances and adjusting them as necessary.

The primary focus for the FIFRA 1988 amendments is the re-registration of the older chemicals. These chemicals have the potential to pose more of a risk to humans or the environment than the "newer" pesticides, because "modern" testing requirements and risk analyses have not been completed for these chemicals. Under the new amendments, re-registration of all older products will be completed in a five phase process.

Compliance monitoring activities will be conducted in order to ensure that use restrictions imposed by EPA are followed. The Regions and delegated States and Tribes will conduct inspections to ensure compliance with the revised regulations and with various use-related restrictions.

Pesticide products can be removed from the market through a variety of mechanisms including voluntary cancellation, failure to meet the Agency's data requirements for registration, or as a result of the Agency's special review process. The special review function is the process whereby EPA evaluates a product's registration in light of information that leads the Agency to believe that the risk/benefit balance is skewed towards the risk side of the equation. This process is used to do an in-depth study of the risks associated with a product's uses, and the benefits associated with those uses. When the risks are too high, some or all of a chemical's uses can be restricted or cancelled or suspended.

Prior to the FIFRA 1988 amendments, the Agency was responsible for the indemnification and disposal of the suspended products which were subsequently cancelled. As a result of suspension and cancellation actions, the Agency still has two products to dispose of in 1991: 2,4,5-T/silvex and any remaining stocks of dinoseb that were not destroyed in 1990. In 1990, the Agency gained the ability to require registrants to recall products and dispose of them. The Agency will be responsible for indemnifying citizens that were not able to sell their products back to distributors or retail merchants. Pollution prevention is also a major focus with regulations currently being drafted for pesticide container designs and recycling requirements.

Headquarters will develop compliance monitoring strategies, as needed, to address actions such as cancellations and suspensions, including requirements for companies to recall products. The Regions and delegated States and Tribes will implement appropriate provisions of such strategies, once finalized. States will complete inspections, as part of routine comprehensive inspections when appropriate, and both the Regions and States will take enforcement actions, as appropriate, to ensure compliance with cancellation and suspension orders and use restrictions imposed by special reviews, as well as recalls required by EPA for suspended and cancelled pesticide products.

3. Field Operations: Meaningful program coordination with pesticides and toxics field components at the Regional and State/Tribal levels is essential to risk reduction. We plan to involve States and Regions as proactive participants in long term planning efforts, identifying toxic and pesticides priorities and developing model toxics and pesticides related documents (legislation, guidance). Focus on obtaining positive environmental results in a geographic specific area such as the Great Lakes program will also be an OPTS priority. By promoting partnership in the development of new programs where necessary, and furthering education and outreach, we will accomplish the goals of our programs. Highlights of the specific 1992 field implementation priorities are discussed in Section C above.

December 20, 1990 version

# EPA'S GOALS FOR THE INDUSTRIAL TOXICS PROJECT

*"I therefore propose the goals of reducing the total releases of these contaminants by one-third by the end of FY1992, and by more than half by 1995, through the most cost-effective measures possible."*

*William Reilly*
*September 26, 1990*

In a speech before the National Press Club, Administrator Reilly committed EPA to major reductions in environmental releases of 17 high-priority toxic pollutants. EPA intends to seek voluntary commitments from major sources of these chemical releases to achieve these reductions. The contaminants the Administrator referred to are the chemicals that are of the greatest concern to the Agency's air, water, land and toxic chemical control programs. The chemicals -- chiefly heavy metals, chlorinated and non-chlorinated organics -- are priorities due to a recognized potential for reducing releases, and a combination of serious known health and environmental effects, along with a high potential for exposure due to large numbers of release sources, high volumes of releases, or both.

The ambitious reduction goals raise several issues which are addressed below.

***The goals are EPA's initial targets for action.*** Although the goals of a one-third reduction by 1992, and a 50% reduction by 1995 are ambitious, there may well be certain cases -- individual chemicals, sources, or types of releases -- where even greater reduction targets would be appropriate. As new programs come into being, such as those envisioned in the Clean Air Act amendments, EPA will re-evaluate the magnitude and timing of its reduction targets.

***The goals can be achieved through voluntary action.*** Voluntary reduction efforts can be a cost-effective and environmentally-effective means of achieving these national goals. Many companies have already made significant progress in reducing their toxic emissions, and have found that their pollution prevention measures often save, rather than cost, money. Establishing national reduction goals will spur additional activity. Where appropriate, EPA will use its enforcement and regulatory authorities to promote pollution prevention of these chemicals. However, achieving these goals chiefly through voluntary programs will be an effective demonstration of environmental progress through non-regulatory means.

***Progress will initially be measured by reliance on the Toxics Release Inventory, with 1988 as a baseline year.*** Achievement of the goals will be documented by downward trends in the TRI data. The goals are independent of any increasing levels of production; toxic releases can be reduced even as economic activity increases. In effect, industries will have had four years to achieve the initial target of a one-third reduction, and seven years to reach the 50% mark. Those that have been actively pursuing pollution prevention should have little difficulty in achieving these goals; others may have to work more aggressively.

***The 17 chemicals are by no means an exhaustive list of EPA's concerns.*** These are our principle starting points for achieving major reductions, and we believe these targets to be achievable and beneficial. Other targets may be set in the future as information on other chemicals raises concerns. Reductions in these 17 chemicals are anticipated to have a "spill-over" effect in fostering across-the-board reductions in toxics. In all cases, EPA's existing toxic chemical control programs, aimed at thousands of substances, will be continued and strengthened.

***EPA intends these goals to apply to all sources of releases of these chemicals.*** Ultimately, this will entail reducing releases of toxic pollutants in the home, office, in farming, in motor vehicles, and elsewhere throughout society. However, in order to document progress in the near-term, we will rely chiefly on the Toxics Release Inventory to track reductions from manufacturing sources. For some chemicals and sources, it may be necessary to develop separate means of documenting reductions. As substantial progress is made in this sector, the Agency will expand its targeting effort to include other sources as well.

***Pollution prevention is the primary means of achieving these national goals.*** The thrust of this initiative is not only to reduce releases, but to do so by minimizing the quantities of wastes generated in the first place, either by replacing toxic materials with non-toxic substitutes, or running processes more efficiently so as to produce less wastes. Processes that rely on destruction of wastes after they are generated are not as effective in achieving either the environmental or economic benefits of pollution prevention.

***Environmental releases as well as off-site transfers of waste are targeted for reductions.*** It is not the Agency's intent to shift toxic chemical wastes from one disposal route to another. The best reduction option, by far, is to avoid generating wastes in the first place, by eliminating the use of toxic chemicals wherever possible, minimizing the quantities needed, and making operations more efficient so that less toxics end up in waste streams. This goal is best realized by documenting reductions in all forms of waste generation.

***Not all facilities will be able to achieve the same level of reductions.*** EPA recognizes that facilities will differ in their potential for reducing their waste generation for these particular toxic chemicals. The goals we have set are national goals, and will not automatically be applied to specific chemicals or facilities. Doubtless, some facilities will be able to exceed them, while others may find it takes a longer time to implement pollution prevention measures in order to achieve the goals. Although the reductions are intended to apply across-the-board to the TRI data, the Agency will focus particular attention on the largest sources of releases of each of the 17 chemicals: these facilities can effectively contribute to national reductions by setting reduction goals that exceed those established by EPA.

EPA'S INDUSTRIAL TOXICS PROJECT:

THE SEVENTEEN CHEMICALS TARGETED FOR REDUCTIONS

BENZENE

CADMIUM AND COMPOUNDS

CARBON TETRACHLORIDE

CHLOROFORM

CHROMIUM AND COMPOUNDS

CYANIDES

DICHLOROMETHANE

LEAD AND COMPOUNDS

MERCURY AND COMPOUNDS

METHYL ETHYL KETONE

METHYL ISOBUTYL KETONE

NICKEL AND COMPOUNDS

TETRACHLOROETHYLENE

TOLUENE

TRICHLOROETHANE

TRICHLOROETHYLENE

XYLENE(S)

# Office of Administration and Resources Management

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# OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT

## I. ASSISTANT ADMINISTRATOR'S OVERVIEW

The FY 1992 Operating Year Guidance for the Office of Administration and Resources Management (OARM) is comprised of ten programmatic objectives.

One activity, Human Resources Management, reflects the Administrator's priority to create and market the kind of working environment that attracts, develops and retains the highly trained and motivated employees and manages the Agency needs. Information Management supports Agencywide goals to work collectively with State and local governments to make environmental data available through technology innovations, data sharing partnerships, and new methods in systems development. In addition, the guidance includes an initiative to build Public-Private Partnerships in our common pursuit of improved environmental quality; improve and provide safe and healthful working conditions for Agency personnel; improve the Buildings and Facilities planning and appropriation and space planning process so that we will be able to fund EPA's critical facilities requirements; and an Agency-wide effort to improve Property Management.

Other important program activities are: measures for Improved Contracts Management across the Agency; Improving the Budget Process; Organizational Conflict of Interest; Assistance Management which will identify management initiatives to assure the integrity of assistance funding awarded through interagency agreements, cooperative agreements, and grants; improved accountability for Agency property management; and Suspension and Debarment which will ensure EPA's full participation in the government-wide system for suspension and debarment.

OARM's key programmatic objectives discussed in the FY 1992 Guidance are summarized below.

o Human Resources Management - EPA's most important resource is its people; and the chief concern of all supervisors, managers and executives should be management creating and maintaining a culture climate and work environment that allows employees to make their maximum contribution to productivity and mission accomplishments. The 1992 Human Resources Program supports this objective by focusing on enhancing a partnership between the Human Resource community, managers and employees to recruit, develop and retain a culturally diverse and highly qualified workforce.

In the 1990's EPA is facing a labor market where the pool of scientific and technical talent is not keeping pace with demand. The goal of the recruitment program is to implement a national

recruitment strategy that will help EPA build effective relationships with educational institutions to improve our access to highly trained and culturally diverse applicant sources.

Employee and management development is a key to achieving our mission. The quality of management in the Agency is a determining factor in our ability to get things done. In 1992 the management development initiative will be well underway. The Agency will expect managers to continue developing their management and technical skills in a formal manner. Training in cultural diversity, in total quality management and career counseling will help them unleash the creativity in their staffs and support improvement in productivity.

In the area of employee development, our 1992 objective is to ensure that employees also have opportunities for technical and more general professional development. TQM training, training in cultural diversity and career counseling services will help employees maximize their own potential as well as their ability to work with colleagues productively.

Our focus on quality of worklife issues will continue. Our goal is to create the kind of working atmosphere that will cause employees and prospective employees to see EPA as the employer of choice in the environmental field.

o Improving the Budget Process

The Agency is committed to provide leadership in an ongoing effort to improve the budget process. It is imperative that we produce budget requests in a professional, responsible, and timely manner. In an era of increasingly stringent federal budget limitations, the Agency must do its best to identify realistic resource requirements. At the same time, we must continue to strive to maintain the highest level of credibility and respect from OMB and the Congress.

Objectives - The Agency intends to improve the budget process by concentrating on the following objectives: 1) increasing Agency resource managers as well as the public's knowledge of environmental needs; 2) continue close working relationships with OMB and Congressional staffs; 3) utilizing alternative/creative funding options whenever possible; 4) producing budget requests that incorporate pollution prevention, cost-effective risk reduction, and risk assessment; 5) improving automated financial and data management systems to the latest state of the art methods; 6) increasing Regional Office participation in the budget process; and 7) utilizing the most effective combination of in-house and contract support operations.

o Information Management

EPA's policy of environmental federalism has achieved an excellent measure of success in the wide range of activities that support information management and cross-media integration. The Agency's thrust to disseminate environmental data and information to the broadest possible audience has challenged the way the Agency has traditionally done its business. To broaden our base of users, our information management programs are attempting to make environmental data available through technology innovations, data sharing partnerships, and new methods in systems development.

We have developed a comprehensive Data Sharing approach. This strategy is intended to promote a free and appropriate flow of the Agency's vast data resources to interested parties, consonant with the Agency's rights and responsibilities as data steward. EPA is committed to promoting mechanisms, systems and services which support data sharing activities. EPA, acting as data steward, shall ensure cost-effective, equitable sharing of the Agency's data resources. Three major directions are part of the Data Sharing strategy are: the State/EPA Data Management Program, increased public access and a full range of services.

The State/EPA Data Management Program has helped the States develop joint data management approaches to collect, store, retrieve and use environmental information. In FY 1991, we will focus our efforts on cross-media analysis to promote data integration and achieve environmental results through the following activities:

- Development of Regional Data Integration Capabilities - These efforts are designed to provide each Region the capability to conduct geographic based analyses that help States and EPA target resources to the most significant environmental problems. Increased efforts will be made to provide technology and user support for cross-media analysis also.

- Data Standards - OARM, with concurrence by all Agency offices and Regions, recently promulgated two essential data standards. One mandates the use of latitude/longitude in an internationally-compatible format as the Agency's preferred locational coordinate system. The other establishes a requirement for unique facility ID codes to be used in all EPA data collections containing facility information. All programs, Regions, laboratories, and delegated State representatives must comply with the standards, in accordance with forthcoming implementation guidance. Full conformance to the Facility ID Data Standard and Locational Data Policy is essential to success of EPA's cross media data analysis/integration and enforcement efforts.

- Technology Transfer - EPA's Environmental Monitoring Systems

Laboratory in Las Vegas will serve as the focal point for technology transfer to assist EPA Regions and States in planning, staff development, and analysis. Also, we will maintain the Atlanta Regional Office as a " A Center of Excellence" to focus our efforts on producing specific applications for use by other EPA Regions.

The State/EPA Data Management Program is the product of an evolutionary process, using Regional and State experiences as an important base of information. Their achievements and problems have served as useful examples of how to forge effective cooperative relationships between Federal and State governments. As a result, our close working relationships allow us to build a foundation which will lead to more reliable data. These relationships are essential if we are to implement and properly enforce environmental statutes.

The emphasis on geographical information systems analysis, data standards, data integration techniques and complete quality data bases will provide the Regions and States with tools and resources to conduct comprehensive regional strategic planning, regional and sub-regional analysis, enforcement targeting and risk based ranking/priority setting. Cross-media integration efforts will also assist in evaluating effective strategies in the pollution prevention area.

The Agency acknowledges that public access to environmental data is desirable because the public has a fundamental right to know how the government conducts its business. Data sharing helps create and maintain an informed public, which is essential to success of the Agency's varied environmental risk communication efforts. Data sharing is also beneficial for EPA to assemble the full data sets required to address complex, widespread, multi-media environmental problems and enables secondary use of EPA's expensive data resources.

The Agency already disseminates information successfully via many channels. These channels include the communications media, the Federal Register, libraries, clearinghouses, hotlines, dockets, bulletin boards, data files and data bases, other Federal offices and other means. Both institutional barriers and technical barriers have contributed to situations where government data should have been shared more freely. The Agency's commitment to data sharing requires standard ways to access data and service and distribution centers both within the Agency and outside to assist and provide methods and procedures to access the data in a cost effective manner.

As part of this Data Sharing effort, we are developing an International Data Sharing Program based on the experience we have gained through the State/EPA Data Management Program. We have transferred the lessons learned in data transfer and sharing from

our vast library and our telecommunications network and are starting to build an international data sharing program. Through the established network INFOTERRA, sponsored by the United Nations Environmental Program, we are promoting data transfer through various print and electronic media to countries in both Africa and Europe. INFOTERRA is an international information referral network designed to facilitate the flow of environmental information within and between countries. EPA is the National Focal point for INFOTERRA in the United States.

The International Data Sharing Program currently supports a variety of activities such as responding to international environmental inquiries with technical reports, bibliographies, legislation and database searches. We maintain inventories and registers of national sources of environmental information for inclusion in INFOTERRA directories and promote the use of the INFOTERRA network. We will continue to expand our efforts to promote data transfer and dissemination to other countries.

We plan to expand our electronic communication network to our international partners. Further activities will be made to promote development of reference capabilities of environmental data in other countries. A major effort is underway to identify information sharing components of bilateral and multilateral agreements, and identify the progress made under them. This effort to spur international data sharing will also result in a model information sharing component to be included in further agreements entered into by the U.S. The international data program is being coordinated with the activities and programs that are directed from the Office of International Affairs.

o CONTRACTS MANAGEMENT

As an agency with growing responsibilities but with only minimal growth in its federal workforce, EPA continues to rely heavily on contractor support. This method of doing business requires strong and active contract management to ensure that we maintain integrity in the Agency's procurement process and ensure appropriate spending of federal funds. Throughout recent years, EPA has continued to receive scrutiny in various areas of its contracts management program. The Agency will work to implement initiatives begun in earlier years through the release of an Administrative Order on "Contracting at EPA." This order codifies policy that prohibits contracting for certain activities at EPA and defines special management and control measures when contracting for certain sensitive services. As National Program Manager, OARM is leading these efforts to improve EPA's management of its contracts.

o ORGANIZATIONAL CONFLICT OF INTEREST

To preserve the integrity of the federal contracting process and to

support the soundness of Agency decisions in Superfund enforcement and cost recovery efforts, it is imperative that EPA take necessary precautions in determining appropriate use of contractors in the Superfund program.

Organizational Conflict of Interest (COI) and the way it is handled under Superfund contracts has been an issue of mounting concern over the past two years. In FY 92, initiatives that the Agency began in connection with the Superfund Management Review will continue to be given significant emphasis.

o BUILDING PUBLIC-PRIVATE PARTNERSHIPS

This initiative was developed in response to the recognition by the Administrator and others that we face a crisis in meeting environmental expectations given the public resources currently available. There is a growing acceptance both within and outside the Agency of the crisis and the need for innovative and creative solutions. Public-private partnerships and other innovative financing techniques have great potential to help meet the growing environmental and resource challenges in the 1990's and beyond.

The goal of this initiative is to build the federal, state and local financing capacities and linkages necessary to restore and maintain a quality environment. We seek to increase investment in environmental protection by facilitating greater leveraging of public and private resources to help ease the environmental financing challenge facing our nation.

o GRANTS/COOPERATIVE AGREEMENT/INTERAGENCY AGREEMENT MANAGEMENT

Consistent with the 1991 Administrator's Operating Guidance, Regions should assess the effectiveness of the consolidation of all grants administration functions in the Grants Management Office (GMO) of the Management Divisions under the Assistant Regional Administrator. Regions should continue to evaluate their grants management activities to assure they provide adequate internal controls. In addition, GMOs shall continue to use the Regional Automated Grant Document System/Interagency Agreement System (RAGDS/IAMS) for all assistance programs and IAGs. Headquarters program offices and the regions shall use the Grants Information and Control System (GICS) for administrative assistance program information and reports.

o SUSPENSION AND DEBARMENT/NEW FEDERAL DRUG FREE POLICY

Suspension and debarment is the Agency's administrative process to prevent potential assistance and procurement participation by parties who, for reasons of waste, fraud, abuse or poor performance, have demonstrated irresponsible conduct in their business

affairs. A suspension or debarment imposed on a participant essentially bars that participant from further assistance or contracting privileges with EPA or the Federal Government.

All Executive branch Federal agencies have been under a uniform suspension and debarment system for procurement since 1982, and assistance since 1988. In 1992 we anticipate implementing an OMB consolidated governmentwide rule for suspension and debarment incorporating both programs.

In FY 1992 we will continue an aggressive effort to investigate poor performance and misconduct on EPA specific projects as well as auditing settlement agreements on previous actions. In FY 1992 continued emphasis will be placed on Superfund Contract Laboratory program contractor actions and on criminal environmental violation based causes of action.

The Grants Administration Division is EPA's central office responsible for the suspension and debarment program. The Offices of Regional Counsel and the Office of the Inspector General are also responsible for performing key tasks associated with the government-wide suspension and debarment program. In order that these offices can carry out their duties under the government-wide effort, it is important that EPA management officials understand that suspension and debarment is an important part of their responsibilities as well.

o SAFETY, OCCUPATIONAL HEALTH AND SAFETY, MEDICAL AND ENVIRONMENTAL COMPLIANCE

It is critical that EPA's internal occupational and environmental risk management programs be the best in the Federal government.

In the past, Headquarters indoor air quality issues have required a disproportional allocation of resources. Therefore, a new, separately managed Headquarters Operations Branch has been established to handle these issues. This organizational change is expected to enable the national staff to focus on and promote a model national program.

Program efforts in FY 1992 will expand the agency's national leadership role, policy and program development activities, and national oversight. To supplement the increased support for national programs, the Assistant Administrator (AA) has provided regional programs with 7 additional FTEs and $500,000 in regional support funds in FY 1991. An increase in FTEs and financial resources for regional and laboratory programs is also projected for FY 1992. This FY 1992 guidance provides direction for the use of these new resources those improvements expected in regional and laboratory programs.

The FY 1992 guidance explains OARM's commitment for enhancing financial and human resources, updating and improving program policies, expanding program and systems development, expanding technical services, and increasing emphasis on audits and program evaluations for safety, fire protection, occupational health, medical, fitness/wellness, and environmental protection programs. The FY 1992 guidance also explains those expected improvements in regional and laboratory programs through increased management commitment, structured managerial and supervisory accountability, and enhanced organizational placement of safety, health, and environmental management staffs.

o PERSONAL PROPERTY MANAGEMENT

EPA has expended significant resources in an effort to make major improvements in the area of property management. A new PC-based Personal Property Accountability System (PPAS) has been developed and was implemented nationwide in FY 1989. Improvements and enhancements continue to be made in the system in an attempt to assist property managers in performing their mission of protecting the Agency's assets. Five new accountable areas were added to the system in FY 1990 to provide greater control at ORD labs.

In spite of these improvements, audit findings continue to highlight the inability to trace property items in the system, the failure to sign and submit custodial officer responsibility letters, and the incompletion of year-end inventories. Headquarters continues to work with all accountable areas to ensure that all Superfund and non-Superfund property is properly tracked and controlled.

o BUILDINGS AND FACILITIES

EPA facilities, in spite of our substantial investment of Buildings and Facilities (B&F) funds, continue to need increased resources. We've enjoyed significant successes in increasing Repairs & Improvements (R&I) funding from $2.6 million in FY 1984 to $12.0 million in FY 1991. During this time period we emphasized critical health and environmental compliance projects. As a result, we have addressed many major problems in these areas. However, funding for basic repair and upkeep, space alterations, and facility modernization required by our ever changing programs has not kept pace.

o SPACE PLANNING

With many leases expiring over the next few years, we need to coordinate and streamline our space planning process. This is particularly important in order to maximize the use of scarce

support and buildings and facilities funds.

## II. OARM PROGRAM PRIORITIES

### A. HUMAN RESOURCES MANAGEMENT

1. **Finding the Right People** - EPA will continue to develop an extensive network of colleges and universities with which the Agency has a continuing recruiting relationship. Senior EPA managers will serve as coordinators of that relationship for each school. Schools are selected on the basis of their ability to produce top quality culturally diverse candidates in disciplines needed by the Agency. Grants, equipment sharing and curriculum input will be coordinated with the recruitment effort.

National and local recruiting efforts will be more closely coordinated and a support system for sharing information on applicants will be implemented.

Managers will continue to be actively involved in recruiting quality candidates and training will be available to improve the effectiveness of their recruiting techniques.

The Agency has already obtained Office of Personnel Management approval for several hiring and position classification flexibilities to streamline the recruitment and employment process.

We will continue to work on the simplification of our procedures and on utilizing all possible pay flexibilities to improve our attractiveness as an employer. Managers however must become more knowledgeable of the tools now available to them and must work with their human resources offices to make the best use of those tools. With this knowledge, managers will be in a good position to propose further flexibilities, helping the human resources offices to simplify the system even further.

2. **Developing managers and employees** - The Agency's commitment to comprehensive career management helps give EPA one of the most highly skilled and motivated workforces in the federal or private sector. To reach such a high standard requires a solid foundation of career development programs that are both in step with current personal and Agency needs and sufficiently flexible to adjust to the still emerging and everchanging environmental requirements. All of EPA's career development programs recognize the changing systemic balance of the environment, technology, legislative and enforcement picture, and the workforce.

The comprehensive management development program will have impacted EPA's management corps. Supervisors and managers will have Individual Development Plans and will take training courses and/or developmental assignments on a regular basis.

Managers and employees throughout the Agency will have ready access

to training on Total Quality Management techniques and cultural diversity.

A curriculum of the 1990's will be defined and made available through the EPA Institute. Courses on current topics (e.g. pollution prevention) will figure prominently in this curriculum as will those on transportable skills (e.g. negotiation).

OHRM, in cooperation with the Agency's scientific community, will develop a strategy for maintaining scientific/technical skills at the state-of-the-art level.

Program offices provide top flight talent to teach other EPA employees through the EPA Institute and recognize excellent performance in this area. In addition, programs support both the trainer's teaching and preparation time as part of the organization's contribution to the Agency.

Human resource needs are fully integrated into the strategic plans of all organizations.

OHRM, OIRM and program offices cooperate to assure that technological and information management needs of the workplace are fully addressed in terms of training and support.

3. Retaining a Competent Workforce - In the coming years, the retention of a quality workforce will require that we focus on the total worklife of employees. That means we must move beyond traditional incentives (compensation, insurances, leave, etc.) and continue to work on less traditional initiatives. At the same time, we must build on our efforts to bring employees into the work processes and decision-making that affect them daily, truly establishing EPA as a "quality" driven organization. We must also provide career counseling and development activities that will encourage employees and managers to make a career at EPA.

EPA will be developing a flexible benefit portfolio to reflect the varying needs of our employees. In addition, we will fully implement flexitime, compressed workweeks, flexiplace and leave banks. We also will continue to develop such services as daycare, health and fitness facilities, eldercare support, employee counseling and support groups.

## B. IMPROVING THE BUDGET PROCESS

The Agency is committed to provide leadership in an ongoing effort to improve the budget process. It is imperative that we produce budget requests in a professional, responsible, and timely manner. In an era of increasingly stringent federal budget limitations, the Agency must do its best to identify realistic resource requirements. At the same time, we must continue to strive to maintain the highest level of credibility and respect from OMB and the Congress.

### Objectives

The Agency intends to improve the budget process by concentrating on the following objectives: 1) increasing Agency resource managers as well as the public's knowledge of environmental needs; 2) continue close working relationships with OMB and Congressional staffs; 3) utilizing alternative/creative funding options whenever possible; 4) producing budget requests that incorporate pollution prevention, cost-effective risk reduction, and risk assessment; 5) improving automated financial and data management systems to the latest state of the art methods; 6) increasing Regional Office participation in the budget process; and 7) utilizing the most effective combination of in-house and contract support operations.

1) **Increasing both the Agency's resource managers as well as the public's knowledge of environmental needs:** The Agency must ensure that the Congress, OMB, and the public all understand the importance and scope of the nation's environmental needs. Success in articulating these needs to the Congress and OMB must be realized, so that they will support our funding requests. In turn, Congress and OMB will cooperate more fully with the Agency's budget requests when they realize that these requests are supported by the public. Therefore, it is critically important that we communicate to all parties involved the differences between public perceptions of environmental needs vice actual scientifically supported environmental needs.

While we attempt to clarify the differences between public perceptions versus actual scientifically supported environmental needs, we can also stress the critical mission of the Agency in addressing these environmental needs. We should serve as a primary vehicle in producing a nationwide environmental agenda based on political, industry, and public consensus.

2) **Continue close working relationships with OMB and Congressional staffs:** We must continue our close relationships with the Congress and OMB. Only then can the Agency expect to receive sympathetic response for the resources so desperately needed to fund the growing list of environmental programs. In order to develop these improved relationships, contacts with the Congress and OMB must be

as professional and productive as possible. We must be a reliable partner in the overall government effort to address environmental needs, by providing data, information, and technical assistance promptly and courteously.

3) **Utilizing alternative/creative funding options whenever possible:** We must be as flexible as possible in proposing ways to fund the Agency's programs. We must utilize all possible means of funding, as there will be increasing strains on the availability of the federal government's general revenues. The Agency is already being pressured to utilize alternative funding methods. These methods may take the form of user fees, polluters taxes, public/private partnerships, state/local government matching funds, etc. The Agency's program and resource managers must make every effort to do more with less, by leveraging existing resources and encouraging state/local government, international, and private funding support for the Agency's programs. The Agency must establish both guidance and support whereby these alternative funding sources and mechanisms can flourish.

4) **Producing budget requests that incorporate pollution prevention, cost-effective risk reduction, and risk assessment:** The Agency must develop and implement detailed, structured planning processes that ensure that pollution prevention, cost-effective risk reduction, and risk assessment are incorporated into defined budget priorities at all stages of the budget process. This can be achieved by an effective strategic planning process, which will translate long-term environmental goals into achievable budgetary priorities.

We must ensure that budget requests are integrated between program offices and cross-media issues, with the ultimate goal of the requests being supportive of the real, scientifically-based environmental needs of the nation. Therefore, the Comptroller must work closely with all program offices and resource managers to ensure that the budget requests reflect the most important environmental needs. These needs must be judged on the criteria of pollution prevention, cost-effective risk reduction, and risk assessment.

5) **Improving automated financial and data management systems to the latest state of the art methods:** The Agency must address the exponentially increasing demand for better environmental data and information, both for Congress, OMB, and the public. EPA has been at the forefront of the federal government community in developing an integrated financial management system (IFMS), but improvement is still desperately needed. The improvement must take place both for both in-house and contract financial, data, and information systems. These systems must be as accessible as possible, to the rest of the federal government, to state/local governments, to university based research centers, and to the demanding public. The EPA has always been proud of its open public-access policy.

However, the vehicles for providing the availability of information and data must be improved in order for the Agency to continue to be responsive in the future.

6) **Increasing Regional Office participation in the budget process:** The Agency will continue to place the majority of new resources in the Regional Offices. The split of employees is now about 50/50, and the momentum toward the Regions should continue. Therefore, it makes sense to provide the Regions with greater participation in the budget process. We also must recognize the unique needs and responsibilities of each Region, and support those needs accordingly.

The Agency will continue to support the Lead Region media process, as well as to invite greater regional participation through the investigation of various forms of independent budgeting for the Regions. The strategic planning process role for the Regions will also be expanded. The Comptroller will also support the establishment of a permanent Regional employee position rotations.

7) **Utilizing the most effective combination of in-house, grants, and contract support operations:** The Agency must develop a monitoring criteria for contracts, as well as selective processes for maximizing performance under grants provided by EPA. These actions will require rigorous training in federal procurement procedures, contract administration, grants administration, and contracts information systems. These systems must be readily assessable to appropriate users. Through these efforts, the Agency can implement programs that are responsive and effective in addressing environmental needs.

C. INFORMATION MANAGEMENT

EPA's commitment to environmental federalism requires that we strengthen the methods and technology we use to manage and share data with State environmental and health agencies. If we are to continue to delegate program responsibility to States without sacrificing accountability and be responsible stewards of environmental data, we must have timely, complete and reliable data to monitor State progress in implementing and enforcing Federal environmental statutes.

In addition to being the source, State agencies are also the initial and primary users of the data required by EPA to manage delegated programs. Thus, our ability to obtain these data, as well as the ultimate success of the State-EPA partnership, depends on our success in devising data management policies and systems that support State efforts to achieve our common goal of overall risk reduction and pollution prevention.

1. Objectives

The overall purpose of the State/EPA Data Management Program is to build and maintain the infrastructure needed by EPA to (1) develop effective State/EPA data management and sharing; and (2) allow Regional and State mangers to integrate their data across media and program lines.

In addition, objectives for FY 1992 include:

- The revised vision of the SEDM Program written in FY 1991 will provide a framework for the overall SEDM Program Strategy. This vision and strategy will be communicated to and implemented by Regions and States in FY 1992.

- The Communication Strategy developed in FY 1991 will continue to be implemented in Regions and States to support Program objectives.

- Headquarters will initiate a Regional/State Training Program in either a media or technology area to support information sharing and effective use of technology.

- Headquarters will also initiate development and distribution of a directory of integration tools (models, expert systems, applications) to support environmental assessment.

The program is organized into two long term phases. In Phase I, Regions and States are working on projects which have applied a variety of methods and technologies, tailored to the unique needs of individual States, in pursuit of three specific objectives:

- To assure that complete, accurate data are provided in response to all EPA reporting requirements, and that these data

are entered into EPA's national data bases in a timely way by either the States or the Regions.

- To provide direct on-line access that allows States to retrieve and validate State-reported data contained in EPA data bases.

- To establish policies and management practices that assure the integrity and compatibility of State-reported data when E P A handles, edits, and interprets these data.

EPA has plans to involve all States, Puerto Rico, and the District of Columbia in Phase I of the program by FY 1990.

Phase II focuses on assisting States and Regions in integrating data across media and program lines. It includes (1) developing data integration tools to pinpoint environmental problems and measure environmental improvements; (2) establishing priorities based upon risk to health or environment which will improve our abilities to balance regional and national program priorities, and (3) placing emphasis on opportunities for technology transfer to maximize environmental results. This Phase will result in improved information technology tools and data management methods for applying State and EPA data resources to evaluate environmental problems that support risk reduction decisions and pollution prevention activities.

2. EPA Regional Offices (RO)

During FY 1991, each RO will be ensuring the full implementation of the Phase I program while maintaining support for the State projects begun during FY 1989 and FY 1990. Continued attention will be provided to sustain the training and procedural improvements required to institutionalize effective State/EPA data management practices.

Each Region will continue participation in the Phase II implementation of data integration activities in the States. Regions should prepare a management plan and milestones for Phase II implementation in States which have achieved Phase I objectives. Central to these management plans is a demonstrated commitment to provide a core staff in each Regional Office with the capability to assist other Regional and State staff in applying Phase II improvements in methods, tools and technology to address risk reduction decisions across media lines.

3. EPA Program Offices

EPA Program Offices should continue to review existing and planned data systems that involve State-reported data or data intended to measure State agency performance, to ensure that these systems are designed and managed consistently with the Agency's State/EPA data management policy. Plans and budgets should be developed to

accomplish these changes, consistent with the Agency's priority on achieving effective environmental federalism.

Better data management will be achieved as we modernize our national and mission critical data systems. The Systems Development Center will continue to develop and enhance EPA data systems. Improving the quality, useability and access to EPA's data and data systems is the Center's first priority. The Development Center will provide the leadership, and focus in developing, managing and disseminating high quality environmental data. The Center's efforts will support an Agency goal to reinforce risk-based decision making using environmental data. The Center will also evaluate new systems development methodologies and technologies to improve EPA's system and software methods to better integrate them into the development process.

INTERNATIONAL DATA SHARING

Environmental Information is the key to sound economic development. EPA has effective information services and systems and a wealth of evironmental data to share with the world community. Recognizing that the development of effective international data-sharing mechanisms is among the most valuable contributions EPA can make to the global effort to improve environmental quality, we initiated an international data sharing program in FY 1989.

In our first year, we have conducted a realistic analysis of Agency capabilities and developed a plan to strengthen relationships with existing international partners. The centerpiece of our strategy is the institution of various regional mechanisms to facilitate information exchange, including the development of: the Eastern and Central European Regional Evironmental Center, the Southern African Regional Companion Program, and the INFOTERRA Caribbean Regional Service Center.

1. Objectives

The overall purpose of the International Data Sharing Program is to provide reliable and timely data and information to the international community. Reflecting new global challenges and opportunities, the International Data Sharing Program has three broad objectives:

- To establish the U. S. as a reliable partner in information exchange relationships. EPA's role as the U. S. National Focal Point (NFP) for INFOTERRA is central to this effort. INFOTERRA, the international environmental research and referral service of the United Nations Enviornment Programme (UNEP), acts as a clearinghouse for international requests for environmental information received by the Agency. As the NFP, EPA conducts research on international environmental topics, identifies and locates international and U. S. Government documents, briefs international visitors, and conducts database searches.

- To make significant data sets available ina form that is useful to international partners. Reliable environmental data and information are central to any dialogue about global environmental problems. The International Data Sharing Program is striving to identify the data needs of our international partners and their clients and to facilitate development of reliable exchange mechanisms. One established exchange mechanism is through EPA's role as the U. S. National Correspondent for the International Registry of Potentially Toxic Chemicals (IRPTC). IRPTC, established by UNEP, serves as a database for exchanging scientific, industrial, and regulatory information on chemicals. EPA is assisting IRPTC to strengthen its database operation and quality for use as a global resource and standard for chemical information exchange that is central to international "prior-informed consent" arrangements.

- To assist developiong nations to establish effective local information management capabilities. In FY 1990, EPA took a leadership role in establishing the Regional Environmental Center in Budapest, Hungary, which responds to environmental information needs of Eastern and Central Europe. In FY 1991, EPA will be estalbishing another environmental center in Botswana as part of the Southern Africa Regional Companion Program and will be serving as the Regional Service Center for INFOTERRA NFPs in the Caribbean. Additional initiatives in the Caribbean, Mexico and Brazil are under consideration fyr FY 1992.

2. EPA Regional OFfices (RO)

During FY 1992, each RO will continue to ensure that Regional priorities take into consideration EPA's national priorities for international data sharing. Information exchange and management will be considered key elements of regional international programs such as the Great Lakes Program, the Gulf of Mexico Program, and the Caribbean initiative, as well as in international enforcement strategies (especially with Canada and Mexico). In addition, ROs will continue to ensure that IRM technology, tools and data standards are applied to address risk reduction decisions across media lines and international borders.

3. EPA Program Offices

EPA Program Offices will continue to review existing and planned data systems to ensure that they are consistent with EPA's national priorities for international data sharing. Plans and budgets will be developed to accomplish any necessary changes. Program Offices will also continue to support international information exchange by providing appropriate data and information, staff expertise, and technology transfer.

PUBLIC ACCESS TO AGENCY INFORMATION

EPA has experienced an increasing demand by the public for both electronic and printed information. In addition, legislative requirements to disseminate information to the public have created increased pressure upon EPA to augment services for information access and dissemination. The development of the Public Access Progrm involves working with EPA Program Offices to provide support and guiance on public access. An aggressive outreach program to communicate the Federal public access trends, activities, policies and procedures is currently underway. Support and guidance to program offices will help to improve EPA's ability to fulfill its mission to provide environmental information to the public.

Objectives

The overall purpose of the National Public Access Program is to provide the public with access to environmental information. Specific objectives and planned accomplishments include:

- Implementing the Agency's Public Access Policy.

- Developing and maintaining tools for finding specific information within the Agency, such as the ACCESS EPA series, the Public Information Center (PIC), and a central point of contact for information.

- Developing and implementing an outreach program aimed at all level os EPA staff.

- Developing and providing the Public Access Track at the Annual National IRM Conference.

- Coordinating a Public Access Task Force of intra-agency personnel to encourage cross-media information access and better communications within the Agency's information arena.

- Brokering cooperative arrangements with operations in the public and private sectors for use by EPA programs.

In addition to these planned activities, the National Public Access Program will continue to increase awareness of EPA, Federal, and public access needs and explore innovative uses of current and upcoming technology for the disseminationa of our environmental information.

## D. CONTRACTS MANAGEMENT

As an Agency with growing responsibilities but with only minimal growth in its federal workforce, EPA continues to rely heavily on contractor support. This method of doing business requires strong and active contract management to ensure that we maintain integrity in the Agency's procurement process and ensure appropriate spending of federal funds. Throughout recent years, EPA has continued to receive scrutiny in various areas of its contracts management program. The Agency will work to implement initiatives begun in earlier years through the release of an Administrative Order on "Contracting at EPA." This order codifies policy that prohibits contracting for certain activities at EPA and defines special management and control measures when contracting for certain sensitive services. As National Program Manager, OARM is leading these efforts to improve EPA's management of its contracts.

### Management Accountability

- It is the responsibility of EPA managers and supervisors to familiarize themselves with the principles and the contracts management process in general, and to become personally involved in the contract activity of their organizations.

- Managers need to know the status of their contracts and senior managers should be prepared to discuss their contracts during quarterly SPMS meetings.

- Prohibited contracting practices will not be tolerated and the Agency's managers must understand the procurement process well enough to condone only legal and proper procurement practices in their organizations.

### Contract Management Workforce

Recognition - To recognize the excellent combination oftechnical and business skills that EPA's contract managers must develop in order to excel, the Agency will continue to recognize and reward its top contract managers through a monetary award sponsored by OARM. Each region and Headquarters program office should nominate its best project officers and other task officers to ensure that we continue to recognize the role these individuals play in EPA's ability to achieve its mission.

Development - The Agency must continue to develop its contract managers to prepare them to manage EPA's large contracts. In addition to formal classroom training, it is essential for these contract managers to receive on-the-job training and support in their own offices.

Communication - OARM and Regional Management Division will continue

to develop better communication mechanisms (e.g. electronic bulletin boards, support groups, news bulletins) for sharing information with the Agency's contract management community.

## E. ORGANIZATION CONFLICT OF INTEREST

To preserve the integrity of the federal contracting process and to support the soundness of Agency decisions in Superfund enforcement and cost recovery efforts, it is imperative that EPA take necessary precautions in determining appropriate use of contractors in the Superfund program.

Organizational Conflict of Interest (COI) and the way it is handled under Superfund contracts has been an issue of mounting concern over the past two years. In FY 92, initiatives that the Agency began in connection with the Superfund Management Review will continue to be given significant emphasis. Several of the key activities that will take place over the course of FY 92 are as follows:

- OARM will continue to implement the COI database system that was established in FY 91 and ensure its effective use by Headquarters and Regional contract management staff. This database contains case history on the resolution of conflict of interest issues and provides a point of reference to Agency staff who handle COI matters. The data base will also serve as a tool for generating statistics on Superfund contractors, Superfund sites, and various activities of the Superfund program that use contractor support.

- OARM will continue to conduct on-site reviews of contractors' COI avoidance procedures. These reviews provide a check and balance to the self-disclosure of COI matters that contractors must perform as work is assigned to them. The reviews ensure that contractors' systems meet minimum established requirements for the identification of potential conflicts within their business organization.

- OARM will continue to provide training to Agency staff on matters related to COI. A significant portion of the training will be conducted in the regions to ensure that Regional staff charged with managing the Superfund contracts have a full understanding of the controversial and sensitive issues surrounding COI.

F. BUILDING PUBLIC-PRIVATE PARTNERSHIPS

This initiative was developed in response to the recognition by the Administrator and others that we face a crisis in meeting environmental expectations given the public resources currently available. There is a growing acceptance both within and outside the Agency of the crisis and the need for innovative and creative solutions. Public-private partnerships and other innovative financing techniques have great potential to help meet the growing environmental and resource challenges in the 1990's and beyond.

The goal of this initiative is to build the federal, state and local financing capacities and linkages necessary to restore and maintain a quality environment. We seek to increase investment in environmental protection by facilitating greater leveraging of public and private resources to help ease the environmental financing challenge facing our nation.

Strategy for Implementation

The initiative is being implemented via the national coordination and policy development efforts of headquarters staff in the Office of the Comptroller. Regional coordinators, meanwhile, are the focal points for implementing the initiative within the regional offices and in the states and localities they serve. Headquarters program office coordinators are focal points for program office involvement in the initiative.

The initiative will focus upon environmental financing issues at the Federal, state and local levels, particularly with regard to impacts upon local governments. Special attention will be given to issues effecting three critical program areas: drinking water, wastewater treatment and solid waste. Our strategy for enhancing the leveraging of public and private resources involves the following elements.

Developing the most effective financing approaches that can be used by the various levels of government to finance environmental program and infrastructure needs.

We have created an Environmental Financial Advisory Board to provide advice to the Agency on matters concerning environmental financing. This expert advisory panel is comprised of executives from all levels of government, including elected officials, the financing and banking community, business and industry, national organizations, and academia.

Determining environmental financing policy alternatives at the federal, state, and local levels that promote public and private financing options for environmental services and infrastructure. The Environmental Financial Advisory Board will also be

examining and addressing financing barriers and issues that need to be modified or dealt with at the various levels of government in order to facilitate public financing and encourage private investment in the provision of environmental services.

We are developing a financing options strategy that will identify and eliminate possible obstacles and disincentives to establishing public-private partnerships and using other innovative financing mechanisms for environmental services.

Developing EPA financial expertise and better incorporating environmental financing in Agency decision-making processes.

We will be developing a cadre of environmental financing and public-private partnerships experts throughout EPA, including each regional and headquarters office. These experts will be the point of contact for providing technical assistance on finance to EPA offices, other federal agencies, the states,localities, the private sector and the general public.

We will focus on proactively incorporating environmental finance considerations up front in Agency regulatory and policy-making activities. We see EPA leading an integrated Federal approach to providing technical assistance to states localities on financing environmental progress.

To identify and pursue options and/or incentives that will encourage greater and more efficient private investment in environmental services.

We are continuing implementation of a series of demonstration projects throughout the country which will serve as real-life models of successful, practical solutions to environmental problems found at the local level. These projects will benefit both public and private sectors in the delivery of environmental services to the public and will be designed to be replicated in communities across the nation.

We will be establishing a partnerships/financing options development fund which will serve as a pool of money to support demonstration projects. These projects will meet established criteria for innovation, originality, or the new application of environmental financing techniques involving public and private participation.

We are also continuing to conduct national, regional and state conferences, workshops and seminars designed to bring together individuals from all sectors to focus on environmental financing and infrastructure problems, issues and solutions.

Major Activities and Responsibilities

1. EPA Regional Offices

An important emphasis in FY 1991 is to continue and deepen the regions' involvement in all major elements of the initiative. Such involvement is critically necessary to institutionalize support for, and maintain progress toward, increasing the use of public-private partnerships and other innovative financing techniques at all levels of government.

To better prepare for this role, regional coordinators will participate in a comprehensive training program covering a wide range of alternative financing methods for environmental facilities. In FY 1991, technical features of typical public-private partnerships will be emphasized. Training modules will also include financial analysis of partnership proposals, types of contracts and leases and risk allocation.

The Regions will be the lead in identifying and documenting examples of successful and unsuccessful public-private partnerships created in their states. They will develop these examples into case studies for inclusion in a casebook examining the major types of public-private partnerships.

The regions will play an important role in reviewing the contract negotiation handbook, model services agreements, and other guides that will be produced to show local officials how to choose the best public-private partnership options and then successfully structure and implement them. The regions bring an operational, real-world approach to their reviews and critiques of these products.

Regions will continue to sponsor partnerships conferences and workshops involving representatives from EPA, states, and localities; the business and financial communities, professional and trade associations, environmental groups and other interested parties. These meetings build support for the initiative, educate participants about partnerships and promote innovative thinking regarding environmental financing problems and solutions.

Regions will also be more involved in developing, implementing and supporting public-private partnership demonstration projects. Regional participation will include working with their states to determine and select interested and viable candidate communities, providing consulting assistance to communities during the partnership building phase, and serving as the liaison between the States, communities and EPA headquarters in monitoring the progress of the projects.

2. The States

State cooperation, assistance and participation is important to the success of this initiative. In FY 1991, we will work closely with

the states in a number of project areas.

States have a vital role in examining the incentives and impediments to business participation in public-private partnerships created by their laws and regulations. EPA will work with them to create a equitable legislative/regulatory environment at both the state and federal levels.

States will be active participants in, and contributors to, conferences sponsored by the regions. They will also be encouraged to sponsor conferences of their own promoting public-private partnerships. State cooperation is crucial to the building of relationships with community officials and to successfully carrying out other networking activities.

States will also be actively involved in the public-private partnership demonstration projects. States will help determine candidate communities, open dialogues between EPA and local officials, and serve as consultants to both EPA and localities. States will be vitally important in creating a favorable climate in which demonstration projects can occur.

3. EPA Media Offices

To support the thesis of a growing gap between the need for environmental dollars and public resources to meet that need, EPA continues to document the costs of environmental protection. The Media Offices have a key role in reviewing and certifying cost information in their program areas.

Media Offices also have an important role in providing input for the financing options strategy being developed and in leading the review of this paper. There is no substitute for their technical expertise and institutional knowledge.

They will provide this expertise again in their phase of the reviews of the contract materials being developed for commun-ities. Each Media Office will take the lead in ensuring the proper partnership approaches in its areas of responsibility.

Finally, the Media Offices will be important voices in a series of ongoing debates on financing environmental expecta-tions. They will be at the forefront in outlining the challenges and presenting innovative and creative solutions.

## G. GRANTS/COOPERATIVE AGREEMENT/INTERAGENCY AGREEMENT MANAGEMENT

### General Assistance Management

Consistent with the 1991 Administrator's Operating Guidance, Regions should assess the effectiveness of the consolidation of all grants administration functions in the Grants Management Office (GMO) of the Management Divisions under the Assistant Regional Administrator. Regions should continue to evaluate their grants management activities to assure they provide adequate internal controls. In addition, GMOs shall continue to implement the Regional Automated Grant Document System/Interagency Agreement System (RAGDS/IAMS) for all assistance programs and IAGs. Headquarters program offices and the regions shall use the Grants Information and Control System (GICS) for administrative assistance program information and reports.

#### 1. Headquarters Role

During FY 90, to support implementation of full grant consolidation in the GMOs, the Assistant Administrator for Administration and Resources Management provided two memoranda to the Regional Administrators concerning the implementation and review of grants consolidation. During 1991, the Director, Grants Administration Division/Grants National Program Manager (NPM) carried out a program to assure the success of grants consolidation in the Regions. The NPM, along with the Grants Curriculum Development Committee developed a basic grants administration training course as well as a grants specialist training curriculum. During FY 1992, the NPM will assure appropriate training courses for grants staff are developed. Enactment of amendments to the Clean Air Act in early FY 91 and other recent legislation requires development of guidance and regulations for new assistance programs and review of regulations and guidance for existing programs. GAD continues to be an active participant in the workgroup carrying out these tasks. The NPM will also continue to chair the Grants Information Management Council which determines basic information requirements for all assistance programs and establishes corresponding data elements and continue to managem RAGDS/IAMS implementation nationally.

#### 2. Regional Role

During FY 1992, each Regional office is to assess the full implementation and effectiveness of grants consolidation of all IAG and assistance management functions in their GMOs. The grants workload assessment will guide this effort. The regions should evaluate GMO staff training needs in accordance with the Grants Curriculum Development Committee established curriculum and assure resources are adequate to meet identified training needs. GMOs should continue to perform on-site review of State systems on a periodic basis. In addition, regions should begin implementing the

Clean Air Act Amendments, and other new programs. Regions shall continue to recommend modifications and improvements for the Regional Automated Grant Document System and Interagency Agreement System (RAGDS/IAMS) for all assistance programs and IAGs. The GMOs should also provide members for the Grants Information Management Council and assure travel resources are adequate to attend periodic meetings.

Superfund Assistance Management

This guidance identifies assistance agreement and Interagency Agreement (IAG) management initiatives which support programs authorized by the Comprehensive Environmental Response, *Compensation, and Liability Act, as amended (CERCLA). CERCLA authorizes $8.5 Billion for the Superfund program, of which approximately $1.6 Billion will be awarded to States, political subdivisions, thereof, and Federally-recognized Indian Tribal governments in the form of cooperative agreements and grants. EPA will also provide almost $2.0 Billion to other Federal agencies through IAGs. The size and complexity of the program requires effective and efficient management to assure its integrity and adequate internal control. To assure this needed integrity and internal control the NPM and regions should:

- Continue to build Regional, other Federal agency, and recipient capability to manage Superfund assistance consistently and effectively;

- Provide training to ensure Regions, other Federal agencies, and recipients understand Superfund requirements and can thus perform responsibly.

These initiatives will be the foundation for assistance and IAG management integrity in the Superfund program nationally.

1. Headquarters Role

The NPM will provide updated policies and procedures for the award of Superfund cooperative agreements and IAGs, process and manage Headquarters awarded Superfund grants and IAGs, maintain adequate grants management information in GICS, and provide policy guidance for and oversight of the Regions. The NPM will also provide training programs for Superfund grants specialists and assure appropriate communication and outreach strategies between Headquarter's program offices and the Regional GMOs.

2. EPA Regional Offices

The regions should support the NPM by continuing to provide effective, efficient, and consistent administration of the complex Superfund assistance and IAG program. The GMOs must ensure proper administrative management and oversight of Superfund cooperative

agreements and grants recipients and management of IAGs. The GMOs must ensure that every assistance agreement and IAG complies with EPA's Superfund administrative and management regulatory and policy requirements. They must also ensure that each assistance agreement and IAG is negotiated, processed and awarded in compliance with all appropriate laws, regulations, executive orders, Federal circulars, and other requirements. Data related to all Superfund assistance awards and IAGs will be entered in GICs and used for management reports.

Assistance Support for Alternative Financing/Public-Private Partnership Activities

Regional GMOs must continue to fully support EPA's alternative financing and Public-Private Partnership activities.

During FY 1991 this includes GMO management of State Revolving Fund (SRF) grants consistent with Agency policy on grants administration roles and responsibilities. SRF grants are authorized by the 1987 Amendments to the Clean Water Act. The Act authorizes $2.4 Billion for Fiscal Year 1991 and a total of $8.4 Billion through FY 1994. The major SRF objectives for GMOs include:

- Continuing or instituting effective, efficient, and consistent regional assistance management practices in the SRF program;

- Helping States develop the capability to administer the SRF program consistently and effectively;

- Assuring compliance with the SRF regulation and assuring that nonstatutory/nonregulatory requirements are not imposed on States.

- Participating in the Annual Review required in the SRF program.

- Obtaining training of staff with appropriate finance skills.

GMOs should also consider other opportunities to involve the private sector in environmental management activities. GMOS should be prepared to support alternative financing for Public-Private Partnership programs by maintaining an innovative assistance management infrastructure to provide capability to deal with future assistance programs and developing relationships with private sector organizations.

1. Headquarters Role

During FY 1991, the NPM, in cooperation with the Resource Management Division, will continue to pursue ways to improve financing of environmental needs. The NPM will provide policy and procedural guidance and assure appropriate communication with regional GMOs. In addition, the NPM will oversee the regional GMOs

to assure they assume appropriate management responsibility for the SRF program.

2. Regional Role

Regional GMOs should continue to cooperate with the Grants Administration Division and other regions to develop and share consistent solutions to problems. Regions should take full advantage of OARM systems to support resource needs, internal control efforts, communications, and information management opportunities through RAGDS, IAMS, and GICS and the GICS Management Council.

## H. SUSPENSION AND DEBARMENT/NEW FEDERAL DRUG FREE POLICY

All Executive branch Federal agencies have been under a uniform suspension and debarment system for procurement since 1982, and assistance since 1988. In 1992 we anticipate implementing an OMB consolidated governmentwide rule for suspension and debarment incorporating both programs.

In FY 1992 we will continue an aggressive effort to investigate poor performance and misconduct on EPA specific projects as well as auditing settlement agreements on previous actions. In FY 1992 continued emphasis will be placed on Superfund Contract Laboratory program contractor actions and on criminal environmental violation based causes of action.

The Grants Administration Division is EPA's central office responsible for the suspension and debarment program. The Offices of Regional Counsel and the Office of the Inspector General are also responsible for performing key tasks associated with the government-wide suspension and debarment program. In order that these offices can carry out their duties under the government-wide effort, it is important that EPA management officials understand that suspension and debarment is an important part of their responsibilities as well.

The suspension and debarment program has and is continuing to experience unevenness in the activities reported, investigated and pursued from Region to Region. In FY 1992, the following efforts should be included in preparing workplans:

- All program office managers, both Regional and Headquarters, should emphasize the importance of their responsibility in implementing the Federal effort to combat waste, fraud and abuse through suspension and debarment, and their responsibility to report suspect activity and problem participants to the Compliance Branch, Grants Administration Division, or their Divisional Inspector General.

- The Offices of Regional Counsel should utilize appropriate management tools, including performance standards, to recognize and emphasize activities associated suspension and debarment.

- Encourage Regional, delegated State, and program office to obtain training from the Grants Administration Division as part of their conference, meeting and training agendas in an effort to inform and sensitize the various officials responsible for managing EPA funds.

## I. SAFETY, OCCUPATIONAL HEALTH AND SAFETY, MEDICAL AND ENVIRONMENTAL COMPLIANCE

It is critical that EPA's internal occupational and environmental risk management programs be the best in the Federal government. In the past, Headquarters indoor air quality issues have required a significant allocation of resources, and a new, separately managed Headquarters Operations Branch has been established to handle these issues. Program efforts in FY 1992 will expand the agency's national leadership role, policy and program development activities, and national oversight. To supplement the increased support for national programs, the AA has provided regional programs with 7 additional FTEs and $500,000 in regional support funds in FY 1991. An increase in FTEs and financial resources for regional and laboratory programs is also projected for FY 1992. This guidance provides direction for those improvements expected in regional and laboratory programs during FY 1991 and FY 1992.

The FY 1992 guidance explains OARM's commitment for enhancing financial and human resources, updating and improving program policies, expanding program and systems development, expanding technical services, and increasing emphasis on audits and program evaluations for safety, fire protection, occupational health, medical, fitness/wellness, and environmental protection programs. The FY 1992 guidance also explains those expected improvements in regional and laboratory programs during FY 1991 and FY 1992 through increased management commitment, structured managerial and supervisory accountability, and enhanced organizational placement of safety, health, and environmental management staffs.

### NATIONAL ROLE

This FY 1992 guidance provides for an emphasis on enhanced financial and human resources, extensive updating of program policies, expanded program and systems development, expanded technical and consultative services, and an increased number of audits and program evaluations for safety, occupational health, medical, fitness/wellness, and environmental protection programs. OARM has also developed a long-term strategic plan to improve the credibility of EPA's occupational health and safety and environmental risk management programs and to assure that they become the best in the Federal government.

Those major SHEMD projects that will have a significant impact on regional and laboratory programs during FY 1991 and FY 1992 include:

1. **Updating Policies and Developing Model Programs**. The final set of environmental protection policies will be issued, and 50 % of the program policies for the management of safety and occupational health programs will be updated. New policies, programs, and procedures will be issued for risks involving

biological agents and sources of ionizing radiation; for laboratory fume hoods; waste disposal; solvent recovery; maritime operations; personal protective equipment; diving safety; medical surveillance; ergonomics; electromagnetic radiation; and chemical hygiene plans.

2. **Systems Development**. An automated records management system for the national medical surveillance program will be developed. An automated Health and Safety Tracking System from Region 9 will be implemented, and additional computer equipment will be purchased. An automated data base from OWCP will be implemented to identify causes and costs of on-the-job injuries and illnesses. An automated chemical inventory program will be developed.

3. **Resource Development and Training**. A training resource library will be developed for safety, health, and environmental compliance program officials. New training courses will be developed for EPA's biohazard safety, ionizing radiation safety, and laboratory safety programs. The inspector training program will be updated, and training will be provided at 6 locations.

4. **Technical Support and Consultative Services**. This includes advice and tools to implement the requirement of environmental rules; advise facility managers and engineering planning and architectural staff on facility construction, renovation and alterations; tools to implement: (1) pollution prevention (waste reduction); (2) chemical inventory system to comply with RCRA and CERCLA; (3) monitoring and pre-treatment of laboratory waste discharged to the public sewer system as required by the Clean Water Act;and (4) timely low cost, reliable hazardous waste management at EPA facilities consistent with the requirements of RCRA.

5. **Audits and Program Evaluations**. Eleven (11) environmental compliance program audits, eight (8) safety and occupational health program management evaluations, and eight (8) fire safety audits will be conducted.

REGIONAL AND LABORATORY ROLE

This FY 1992 guidance emphasizes increased management commitment, structured managerial and supervisory accountability, and enhanced organizational placement of safety, health, and environmental management staffs. The major regional and laboratory improvements expected in FY 1991 and FY 1992 are:

1. **Management Commitment**. Regional Administrators and Laboratory Directors are expected to issue updated policies for their safety, occupational health, and environmental management

program. This updated policy is to clarify management's commitment, to establish priorities and goals for three-five years, and express a commitment to enhanced program resources and program performance.

2. **Managerial and Supervisory Accountability**. Performance standards for managers and supervisors are to establish management's role and commitment to providing safe and healthful working conditions and to comply with environmental regulations. Supervisors are to ensure that their employees' position dicscriptions accurately detail the role of employees in the regional and laboratory safety, health, and environmental management program.

3. **Organizational Structure and Placement of Program Staff**. It is expected that management and accountability for the safety, occupational health, and environmental management programs be assigned to one senior management official within the region or laboratory. That assignment is to be in writing and communicated to employees.

4. **Self-Assessment to Determine Program Effectiveness and Compliance with Statutory and Regulatory Mandates**. It is expected that each region and laboratory will conduct an internal control review of its safety, occupational health, and environmental management programs to determine the effectiveness of the program and to determine if the programs are being implemented in accordance with statutory and regulatory mandates.

5. **Program Priorities**. Regions and laboratories are to focus their program efforts on the following priorities:

   a. Implementation of the Health and Safety System software developed by Region 9;
   b. Improvement of their medical surveillance program;
   c. Developing and maintaining inventories of hazardous chemicals purchased and used;
   d. Securing and maintaining updated MSDSs for employees;
   e. Implementation of waste minimization and waste disposal programs;
   f. Implementation of training requirements which relate to employees who are potentially exposed to toxic substances, biological agents, and physical agents.
   g. Implementation of the new OSHA Chemical Hygiene Plan at your laboratories.

## J. PERSONAL PROPERTY MANAGEMENT

EPA has expended significant resources in an effort to make major improvements in the area of property management. A new PC-based Personal Property Accountability System (PPAS) has been developed and was implemented nationwide in FY 1989. Improvements and enhancements continue to be made in the system in an attempt to assist property managers in performing their mission of protecting the Agency's assets. Five new accountable areas were added to the system in FY 1990 to provide greater control at ORD labs.

In spite of these improvements, audit findings continue to highlight the inability to trace property items in the system, the failure to sign and submit custodial officer responsibility letters, and the incompletion of year-end inventories. Headquarters continues to work with all accountable areas to ensure that all Superfund and non-Superfund property is properly tracked and controlled.

### 1. Headquarters Role

Headquarters will conduct quality assurance reviews at regional and field offices. These reviews will determine compliance with the Personal Property Management Policy to be issued and incorporated into the procedures manual during FY 1991. During the first quarter of FY 1991, regional offices will be notified of pending reviews. Headquarters will then conduct reviews and work with regional and field offices to ensure compliance with the policies and procedures Agencywide. As a result of these initiatives, the Agency's FY 1991 audit of property management should be free of previously identified deficiencies. In order to ensure continued compliance in this area, headquarters will conduct the same level of oversight on an ongoing basis in subsequent fiscal years.

### 2. Regional Role

All regional and field property management officers are required to perform a comprehensive physical inventory of personal property accountable areas. These inventories should be properly reconciled and all outstanding issues resolved. Written certification will be required that each accountable area has successfully completed the above tasks by the third quarter of 1991. In addition, Headquarters will perform random on-site verification of this inventory process during FY 1991. Regions will undergo on-going nationwide PPAS user training in FY 1991.

## K. BUILDING AND FACILITIES

EPA facilities, in spite of our substantial investment of Buildings and Facilities (B&F) funds, continue to need increased resources. We've enjoyed significant successes in increasing Repairs & Improvements (R&I) funding from $2.6 million in FY 1984 to $12.0 million in FY 1991. During this time period we emphasized critical health and environmental compliance projects. As a result, we have addressed many major problems in these areas. However, funding for basic repair and upkeep, space alterations, and facility modernization required by our ever changing programs has not kept pace.

### 1. Headquarters Role

Programs and regions should specifically identify the impact of program changes through the B&F/Data Telecommunications/Space Call Letter on facilities and adequately request critical projects. This call letter from Headquarters will be the vehicle for the field to advise and report the impact of planned changes back to the budget process so that leases and building and facilities projects can be coordinated.

Headquarters will implement a number of initiatives in order to accomplish these goals more effectively. They include:

- Management Evaluations, New Facilities, Masterplanning and Site Planning
- Fine Tuning the B&F Projects Approval Process
- Identification of Funding Requirements

### 2. Regional Role

Building and Facilities Project Submissions - To meet our goals, regional justifications for the repair and improvement of facilities must explain how they will: 1) provide a safe and healthful working environment for EPA employees; 2) ensure that EPA facilities meet pollution abatement regulations; 3) provide maintenance of facilities that is essential to prevent and halt deterioration; 4) improve capabilities at research, program, and regional laboratories, so that we can respond to new or existing legislation; and 5) meet the costs required by headquarters, field, and regional office and laboratory relocations.

Prioritization of B&F projects - Regional projects will be submitted through programs and regions for prioritization by their top management. All projects will also be evaluated and prioritized by OARM from a facilities and resources standpoint.

## L. SPACE PLANNING

With many leases expiring over the next few years, we need to coordinate and streamline our space planning process. This is particularly important in order to maximize the use of scarce support and buildings and facilities funds.

### 1. Headquarters Role

Programs and regions should specifically identify future space needs through the B&F/Data Telecommunications/Space Call Letter on facilities and adequately request critical projects. This call letter from Headquarters will be the vehicle for the field to advise and report the impact of planned changes back to the budget process so that leases and building and facilities projects can be coordinated.

OARM will focus on not only Agency-wide but site specific planning as well to determine the long range investment opportunities available to the Agency. Also, support for specific sites will be considered in the implementation of the Facilities Masterplan and the Agency's strategic plan.

### 2. Regional Role

With OARM Headquarters lead, all programs and regions will conduct an improved process that integrates space and buildings and facilities planning. This process improves project submissions and planning related to changing programs, missions, and lease conditions.

Space planning submissions must consider 1) move costs; 2) new or expiring leases; 3) needs for special use space; 4) telecommunications needs; 5) buildout needs; and 6) above standard costs.

# Office of Enforcement

# OFFICE OF ENFORCEMENT
# ASSISTANT ADMINISTRATOR'S OVERVIEW

## I. AGENCYWIDE ENFORCEMENT GOALS

Beginning in FY 1991, the Agency introduced a new approach for the Federal Government and States to better promote compliance with, and effective deterrence against violations of, environmental laws. This approach is described in the Enforcement Four-Year Strategic Plan and the Enforcement in the 1990s Project. The basic philosophy underlying this approach is that as the regulated universe becomes larger, more sophisticated approaches are needed to gain the maximum leverage from each enforcement action. This requires improved targeting from both a single media and integrated, multi-media focus to identify violations which involve the most significant environmental and health risks; case screening to choose the most appropriate response among administrative, civil judicial and criminal enforcement authorities; and innovative settlements which correct the specific violation, address its underlying cause (e.g., by including pollution prevention conditions), and apply appropriate sanctions to promote broader deterrence.

To implement this overall approach successfully, enforcement considerations must play a greater role in the development of regulations and permits. The Agency will need to find more effective means of measuring enforcement success and communicating the results of these efforts. Enforcement also must be highly leveraged and decentralized. Federal enforcement must continue to work closely and effectively with the States as well as establish new institutional arrangements at the local level and with other Federal agencies.

## II. FY 1992 PRIORITIES

Maintaining a strong "base" enforcement program which focuses on Significant Noncompliers (SNC), "timely and appropriate" (T&A) enforcement response goals, and routine inspection schemes, continues to be important. However, new approaches are needed to ensure enforcement remains effective in addressing new challenges. Implementation of the seven elements of the Strategic Plan began in FY 1991 and will be expanded upon in FY 1992. In particular, the Regions submitted plans which addressed four of the elements: targeting, case screening, pollution prevention, and communications.

### A. Improving the Enforceability of Rules

Successful enforcement depends on regulations whose definitions, standards, and applicability to particular violations are clear. Vague regulations hinder the enforcement process, either by making it difficult for those wanting to comply to do so,

limiting opportunities for case development and/or increasing the time and cost of litigation. In FY 1991, the Office of Enforcement (OE) plans to develop "enforceability assessment" guidance which describes how enforcement-related technical, logistical and legal concerns should be addressed in a proposed regulation and its implementation. OE and the compliance programs also will identify 1-2 proposed regulations for each program for pilot "field tests" to be conducted prior to final promulgation in order to identify potential weaknesses that could render the rule unenforceable if not corrected. In FY 1992, OE, assisted by the Headquarters programs, will conduct enforceability assessments for selected rules during the review process, and will work with the programs and Regions to implement field tests of the identified rules before they become final.

B. Strategic Targeting for Enforcement/Multi-Media Enforcement

In addition to its on-going "base program" enforcement efforts, the Agency also has developed special "targeted" enforcement initiatives to direct attention toward categories of sources or geographic areas with environmental problems that may not be effectively addressed under the traditional system. Major single and/or cross-media targeting criteria identified in the Strategic Plan include industries with poor compliance history, specific pollutants or geographic areas of concern, and implementation of individual priority regulations. The Agency undertook a Great Lakes enforcement initiative and a lead enforcement initiative in FY 1991, and in FY 1992 the Office of Enforcement will identify one additional pollutant-specific or industry-specific targeting initiative.

The Administrator's multi-media goal of 25% cases deriving from multi-media initiatives or having cross-program elements in FY 1991 continues to be a high priority for fostering this kind of targeting. The definition of a "multi-media" enforcement action includes: 1) actions deriving from multi-media and cross-program inspections, even where the subsequent enforcement action is single medium; 2) enforcement actions deriving from a multi-media and cross-media initiatives, even if the enforcement action is single medium; enforcement actions resulting in multi-media and cross-media settlement conditions, even if the basis of the enforcement action was a violation in only one medium or program; multi-media or cross-program enforcement actions; and 5) single medium or program enforcement actions which meet any of the above criteria by virtue of a coordinated effort with State and/or local governments with delegated or approved programs or with other Federal agencies if appropriate. The Regions first gained experience with targeting through the implementation of the FY 1990 pilot projects and are using their permissible resource flexibility to help meet this goal. OE and the Headquarters compliance programs will actively support the continuing development of Regional targeting capabilities as an integral

part of their risk-based planning activities in FY 1992 and beyond (cf. section on Federal facilities enforcement). OE also will explore how consolidated administrative rules and guidance on administrative enforcement referral procedures can better foster multi-media and coordinated case development.

The "data linkage" project, which integrates components of the media compliance, Facilities index (FINDS), and Toxic Release Inventory (TRI) data bases will be "on line" by the beginning of FY 1992 to better support targeting. In FY 1992, Headquarters and OE's National Enforcement Investigations Center (NEIC) will train regional programs in the use of the data-linkage software and provide user support to assist targeting groups in each Region. During FY 1991, OE and the media compliance programs also will have developed potential targeting schemes for use by the Regions in FY 1992. Beginning in FY 1991, Regional Offices will work with States to provide access to our integrated data capability so that States can identify similar holistic enforcement approaches. Data quality is a key requirement for a successful targeting capability, and all the compliance programs, Regions and States should take steps necessary to ensure that their component data bases are accurate, timely, and complete.

Targeting is critical to successful identification of potential multi-media and cross-statutory enforcement actions. Multi-media targeting will be facilitated by the use of Regional case screening (see C below), which will have become fully operational in FY 1991. After a violation is detected, Regions will analyze its potential for a multi-media enforcement response and/or the potential for a multi-media settlement. In FY 1991, OE will develop criteria for recognizing and giving appropriate reporting and workload model credit for Regional multi-media enforcement efforts. Regions should encourage States to undertake multi-media initiatives and provide technical support as resources permit.

C. Improved Case Screening

Effective enforcement case screening is crucial to ensure that the integrated and multi-media objectives we have set for enforcement are met on a case-specific basis. In FY 1991, OE will have issued guidance on case screening which the Regions will implement. The screening process is designed to review violations for: strategic value, appropriate enforcement response, multi-media potential, innovative enforcement potential and civil/criminal integration (cf. section on criminal enforcement). Case screening worksheets were made a part of the case file, and include information on multi-media compliance status, toxics release inventory, and violation history within the program, phasing in the requirement that cases be screened for multi-media compliance history based upon the availability of

data linkage and integration capability among the Agency compliance data systems. In FY 1992, OE will evaluate the functioning of these Regional case screening procedures and identify ways to best achieve its objectives while minimizing any burden on the normal case development process.

D. Innovative Enforcement Approaches

During the last several years, the Agency has experimented with techniques to expedite or enhance compliance. The Innovative Enforcement Workgroup (1990's Project) has identified and evaluated the opportunities/constraints in a number of areas, and the Agency will expand the use of innovative approaches to "leverage" the environmental and deterrent effect of individual enforcement actions in FY 1992. In FY 1991, OE will have established "Innovative Enforcement Networks" of enforcement personnel that will disseminate information about lessons learned from their application throughout the programs and Regions of pollution prevention, environmental auditing, innovative remedies, targeting, contractor listing, field citations, Alternative Dispute Resolution (ADR) and creative use of information gathering tools, as well as help to identify policy issues and related training material. The Agency will involve the States in the innovative network, by disseminating information on the support networks, by sharing with them Federal experience with specific innovative approaches and by soliciting information about innovative approaches that the States have successfully employed on their own. Some of the major approaches which will be emphasized in FY 1992 are:

1. Pollution Prevention

In FY 1991, OE will have issued an interim policy on pollution prevention in settlements, particularly encouraging its use: 1) where chemical substitution or process change offers the best chance to end recurring violations; and 2) it creates no negative impacts to other media. Several cases with pollution prevention conditions have already been concluded and the Regions and programs are strongly encouraged to develop more.

FY 1991 will be the first year of the two year pilot project on the use of pollution prevention conditions in Agency enforcement settlements, with funds available to help Regions assess the technical feasibility of industry pollution prevention plans and/or to develop their own options. In FY 1992, in addition to funding more settlements, the Office of Enforcement, along with the media compliance programs, will begin analyzing concluded settlements in order to assess the impact of pollution prevention conditions on long-term compliance risk reduction and environmental results which will be used to develop final Agency policy on pollution prevention/settlement conditions in FY 1993. Also in FY 1992, OE, in conjunction with the compliance programs

and Regions, will be able to fund support for a limited number of State pilot pollution prevention settlements. The Office of Enforcement will continue to work with the Offices of Pollution Prevention and Research and Development to continue to disseminate information about industry-specific pollution prevention technologies that can be used as settlement conditions.

2. Contractor Listing/Suspension and Debarment

Contractor Listing authority prohibits Federal contracts, loans or grants to facilities violating the Clean Air or Clean Water Acts. Listing is mandatory for criminal violations, and discretionary for civil violations of either Act. The Federal Acquisition Regulation (FAR) includes procedures for barring contractors from participating in Federal procurement based on offenses such as fraud or lack of performance integrity. Both are powerful deterrent tools to reinforce environmental compliance. In FY 1991, a contractor listing initiative will review ongoing violations for listing possibilities in an attempt to make Regions more aware of the potential uses of this sanction. Regions should continue to look for opportunities for both discretionary and mandatory listing, especially for serious violations of Administrative Orders and Consent Decrees utilizing this and other sources of information. The Regions should also make more use of suspension/debarment for violators of all environmental statutes, repeat violators, and multi-media violators.

3. Field Citations/NOVs

Field citations and Short Form Notices of Violations (NOVs) are flexible tools that have been successfully used by the Mobile Sources, UST, and PCB programs to 1) streamline the enforcement process and reduce backlogs; and 2) maintain an enforcement "presence" in a large regulated universe. During FY 1991, the Agency will analyze ways to expand the use of field citations and the Regions and several States will be asked to pilot them in several Federal and State programs in FY 1992.

D. Strengthening the Current State/Local/Federal Relationship

The States conduct most compliance inspections under the delegations and approval process and are a fundamental part of the enforcement effort. In FY 1992, Regions should use the State/EPA enforcement agreements process to define state and regional roles in targeting initiatives. Regions are encouraged to use integrated (umbrella) agreements with the States at least to address multi-media initiatives where appropriate to the state structure and preferred state and regional working arrangements. States are also encouraged to develop their own targeting and enforcement plans, and to coordinate implementation with EPA.

Regions should explore with States ways to more formally involve local enforcement personnel in the strategic planning process when authorities are specifically designated to carry out program requirements.

In FY 1992, the Agency plans to develop and test a comprehensive oversight approach including audit protocols and State-specific, regional and national capacity building plans for State enforcement program implementation. OE guidance on oversight, efforts toward improved capacity building, and FY 1992 State/EPA enforcement agreements process guidance will all attempt to address some of the deficiencies noted in the Enforcement in the 1990's project and subsequent colloquium that EPA is sponsoring with outside groups.

E. Building New Institutional Relationships in Enforcement

As environmental regulations continue to bring more and smaller sources under the regulatory umbrella, local governments and other nontraditional agencies (e.g. fire departments, building inspectors, etc.) can augment Federal and State efforts in environmental enforcement. In FY 1991, OE, with the programs and Regions, will identify which local programs and activities may be most amenable to civil and criminal enforcement activity at the local level, and identify possible funding needs and sources. During FY 1992, each Regional program will be asked to develop one new relationship with a local government in one of the following areas: 1) reporting violations to Federal or State agencies; 2) gathering evidence in support of Federal or State enforcement actions; 3) enforcing Federal regulations (including through the use of alternative sanctions); and 4) providing additional compliance "outreach" to the regulated community. The Steering Committee on the State/Federal Enforcement Relationship will then review the experience of the Regions and assess the utility of this approach.

F. Training

The requirements of the Agencywide inspector training order (3500.1) will be fully applicable and completely phased in by the beginning of FY 1992. The training focus should shift to new personnel as experienced staff have either been trained or granted exceptions based on experience and prior training. OE will continue to work with the programs to addresses issues of implementation and coordination. Regions and programs should make available to States materials used in Regional courses and/or encourage State personnel to participate in Regional training as time and resources permit. OE also will provide training material to States through the four Regional associations.

While OE will continue to emphasize enforcement attorney training, in FY 1992 it will also make significant progress

towards coordinating all of the Agency's on-going enforcement training activities under the "umbrella" of the National Enforcement Training Institute in FY 1992. The Institute is designed to conduct comprehensive environmental enforcement training for Federal, State and local personnel, including inspectors, investigators, case development technical and legal personnel, and lab experts. While the complete scope of FY 1992 training activities will depend upon avai[illegible] esources, the existing curriculum will be expanded to [illegible] training in several components of the Strategic Plan, including multi-media inspections and the use of pollution prevention approaches.

G. Enforcement Com[illegible]cations

Communications plays a vital role in enforcement. The Agency needs to effe[illegible]ively and accurately describe the enforcement program's role in protecting the environment to promote compliance and deter violators. During FY 1992, each Region should issue its own enforcement accomplishments report and press release to highlight Regional and State enforcement achievements for FY 1991.

The programs and Regions also are expected to make further progress in FY 1992 in the development and application of alternative indicators of the impact of enforcement. By the end of FY 1991 each of these offices will have tested at least one measure of "success" previously developed. Measures will be utilized on a regular basis during FY 1992, and the results reported with other data; additional measures are expected to be introduced during the course of the year. Suitable measures will need to capture the benefits attributable to enforcement actions taken against specific regulated parties and also the deterrent effect generally resulting from enforcement activities in that regulatory area.

III. Criminal Enforcement Program

In FY 1992, the criminal enforcement program will continue to support the Headquarters and Regional single and cross-media enforcement priorities. The criminal enforcement program will continue existing efforts to become more fully integrated with the compliance programs. Through improved internal communications, the program envisions an increasing number of criminal tips, leads, and referrals coming from EPA program offices. The enormous deterrent effect of well-targeted criminal cases will enhance program compliance goals and bolster the credibility of the Agency's enforcement effort.

A key means to this goal is the full implementation of the Regional Case Screening Guidance, through which the Regional media program enforcement officials and criminal enforcement personnel will screen violations and select for criminal

investigation those cases which (1) address priority violations and (2) have one or more of the aggravating factors indicating potential criminality. Special Agents and Regional criminal enforcement attorneys will continue to help implement the screening process through periodic and routine meetings with Regional program personnel to exchange information regarding program priorities and suspected violators.

With the passage of the Pollution Prosecution Act of 1990, EPA's criminal enforcement program may grow dramatically in the numbers of Special Agents and support personnel. In addition to recruiting experienced law enforcement professionals, every reasonable effort will be made to recruit from the ranks of experienced EPA civil inspectors and other program personnel those individuals who meet the qualifications for selection as EPA criminal investigators. Over the long term, having within the Office of Criminal Investigations a cadre of former Agency program personnel will further assist the integration of criminal enforcement. The careful selection, training, and orientation of all new Special Agents and support personnel will be an annual priority for the program. Some of the new Agents will be assigned immediately to bolster ongoing investigative efforts to uncover environmental violations on the Mexican and Canadian borders, where we suspect widespread violations of RCRA, TSCA, and FIFRA involving transboundary shipments of wastes.

Through a network of Regional Criminal Enforcement Counsels (RCECs) under the Offices of Regional Counsel, the Special Agents in the field have direct access to EPA legal support. Strengthening the capability and the usefulness of this source of support to the Special Agents will continue to be a priority. The Regions will be delegated more responsibility, while the case-specific role of Headquarters attorneys will be limited to cases which are precedential, international, or nationally significant. Concurrent with the delegation of increased case-specific responsibility to the Regions, a new program of independent, management reviews of criminal enforcement in the Regions will be constituted, to assure that the criminal enforcement program continues to operate at the same high level of excellence that it has demonstrated to date. Because of the multi-media, complex, and high-stakes (and thus sensitive and visible) nature of criminal enforcement, the program will remain a national one and will not be fully delegated to the Regions.

The Office of Criminal Enforcement at Headquarters will also support the field by providing top-level management of the Special Agents, improving the criminal enforceability of legislation and regulations, maintaining liaison with international, interagency, and intra-agency (EPA Headquarters) offices with an interest in criminal enforcement, and assuring that training is provided for field personnel. Like the Regional contingents of criminal enforcement personnel who operate as part

of the Regional case screening process, the Headquarters unit will share the goal of assuring the fullest possible participation by all EPA personnel who would improve the application of criminal enforcement. The result should be that this potent enforcement tool is deployed with the closest possible attention to the needs and priorities of EPA media program offices.

In FY 1992, the Agency will take steps to enhance criminal enforcement at the State and local level. OE will take steps to seek more complete and accurate reporting of environmental crimes data at the State and local level, working through mechanisms such as the four Regional association networks. The criminal enforcement program and NEIC will also will continue to provide training in criminal enforcement techniques to State and local personnel through the association networks and FLETC.

## IV. Federal Facilities Programs

### A. Federal Activities Programs

The Office of Federal Activities (OFA) is responsible for coordinating with Federal agencies on major projects and ensuring that those agencies conduct their activities in as environmentally sound manner as possible. It will manage three broad programs in FY 1992: 1) Environmental review under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act; 2) EPA compliance with NEPA and related laws and directives; and 3) oversight of EPA's program to ensure environmental protection on Indian lands.

#### 1. Environmental Review Program (ERP)

The focus of this program is on prevention of environmental problems and ecological damage from proposed major Federal projects and activities. Priority activities which will be maintained in FY 1992 include: 1) reviewing all draft environmental impact statements (EISs); 2) targeting final EISs and follow-up activities to ensure that resources are concentrated on those projects with significant environmental problems; and 3) targeting EPA high priority areas that are affected by Federal agency activities.

In FY 1992, OFA will also conduct initiatives consistent with the Strategic Plan. First, OFA will continue to target pollution prevention in those Federal agency activities that will result in significant environmental impacts. It will focus its pollution prevention efforts using two primary criteria: 1) sensitive environmental areas for special consideration and 2) high priority problem areas where the Agency's direct regulatory authority is weak and Federal agencies are significant players. On the basis of the second criterion, the FY 1992 ERP program

will target mining activities and non-point source pollution on Federal lands. Second, OFA will work with the Council on Environmental Quality (CEQ) to emphasize implementation of NEPA's pollution prevention goals. Third, OFA will work to ensure that environmentally significant issues are dealt with as a first priority and ensure early communication of Agency concerns to Federal agencies and the community.

2. NEPA Compliance

The focus of this program is on ensuring EPA compliance with the goals and/or requirements of NEPA and related laws and regulations. Major FY 1992 activities include: 1) providing technical assistance to state environmental agencies carrying out reviews for State Revolving Funds; 2) assisting other EPA program offices with site-specific evaluations; 3) acting as a cooperating agency with lead Federal agencies proposing projects that impact EPA's regulatory responsibility areas; 4) increasing efforts to assure that EPA complies with NEPA on its new source NPDES permits, research and development and facilities activities; 5) improving communication with other Federal agencies responsible for implementing environmental laws and orders with which EPA must comply and assisting EPA programs in that compliance; and 6) evaluating the effectiveness of NEPA compliance efforts on selected projects.

OFA will continue to focus on ensuring that EPA avoids unanticipated environmental impacts from its decisions promoting information exchange with the public about the impacts of proposed EPA actions; and assisting in the development of Agency-wide and program-specific ecological risk assessment procedures. Further, under the NEPA compliance program, OFA works with the EPA Office of International Activities to assist the Treasury Department, the State Department and the Agency for International Development in nurturing the environmental review capabilities of developing countries and multilateral lending agencies.

3. Indian Program

The Indian Program is designed to ensure environmental protection on Indian lands. The FY 1992 objective is to continue to develop the Program with an emphasis on developing tribal capacity to identify and respond to current and potential environmental problems and to enforce tribal ordinances as well as Federal statues upon their delegation to the tribes.

Some of the significant FY 1992 activities under this program include: 1) increasing direct programmatic activity on reservations; 2) providing direct technical assistance to tribal governments; 3) assisting tribes with the development of tribal environmental management plans; 4) strengthening outreach and liaison activities with tribal governments; 5) strengthening

external liaison with Indian tribal organizations and other Federal agencies; and 6) conducting an inventory of environmental conditions and needs on Indian lands.

B. Federal Facilities Enforcement Program

In response to intensified national concern, environmental cleanup and compliance at Federal facilities has become one of the Agency's highest priorities. The Office of Federal Facilities Enforcement (OFFE) was created in FY 1990 as a comprehensive, multi-media enforcement office devoted to this task. In FY 1992, OFFE, in conjunction with the media program offices, Regions, States, and other Federal agencies, will utilize its unique position to significantly reduce the environmental and public health risks and create adequate incentives to ensure that Federal facilities show the leadership necessary to become models of compliance.

In FY 1992, OFFE will pursue four major program areas: environmental restoration activities under CERCLA and RCRA as a means of reducing the most significant long-term threats posed by Federal facilities, and making sure these efforts are closely coordinated with OSWER; regional implementation of our multi-media enforcement strategy as a means of improving Federal compliance rates; support for innovative technology development and pollution prevention principles at all levels of our programs; and finally, strategic planning activities internally, with other Headquarters offices, and with the Regions, throughout the year in order to more effectively leverage Agency resources.

1. Environmental Restoration

Environmental restoration will continue to be a primary program emphasis throughout the year. It is expected that by the start of FY 1992, all 116 Federal facilities which are on the National Priorities List will be subject to an enforceable Interagency Agreement (IAG), the fundamental enforcement vehicle for Federal facilities under the Superfund program. Regions should continue to provide aggressive oversight through the IAG to ensure that Federal response efforts are timely and thorough, and that schedules are met. As sites proceed to the remedial action phase, Regions must also ensure that all opportunities to streamline the response process are exercised, working closely with Federal agencies to utilize expedited response actions (ERA's) at any point in the process. As experience with the Superfund program has indicated, ERAs greatly help control costs while speeding the pace of cleanups.

To promote leveraging of Agency resources, Regions should seek enforceable cleanup agreements, such as CERCLA section 106 orders and RCRA section 3008(h) orders, wherever responsible Federal agencies can be identified. These enforcement tools will be used

at non-NPL Federal facilities and third party sites involving Federal facilities, such as at DOD surplus materials sites, whenever warranted.

To address the significant Federal agency funding shortfalls and resultant cleanup schedule delays which are anticipated to occur as numerous sites initiate cleanup activities in the years to come, OFFE will use FY 1992 to convene a dialogue on the development of a national prioritization system. Successful completion of this project will require a consensus position between Federal agencies, States, and other concerned parties.

Finally, in conjunction with ORD, ORP, other Federal agencies, and States, OFFE will pursue the development and testing of innovative technologies at Federal facilities. While there are numerous benefits associated with innovative technology development, the most important include reduced costs, expedited cleanups, and more effective solutions.

2. Environmental Compliance

While the quality of Federal agency environmental programs has been improving, compliance rates have continued to lag the private sector. Given the limited success the Agency has had in improving these rates, more sophisticated techniques must now be employed to improve Federal performance. In FY 1991, OFFE, in cooperation with Regional and Headquarters program offices, will have developed a multi-media enforcement strategy which contains budget incentives for implementation in FY 1992.

The first component of the FY 1992 Federal facility compliance program will focus on targeting priority facilities through the Federal Facility Tracking System (FFTS). To be developed in FY 1991, the FFTS is a computerized data base which links enforcement data from each of the primary media data bases. OFFE, in conjunction with regional offices, NEIC and State personnel, will develop multi-media strategic targeting using criteria similar to those used at private sites.

Joint EPA and state multi-media inspections at targeted facilities will constitute the second phase of the enforcement strategy in FY 1992. Interdisciplinary regional and, as appropriate, state teams should then develop timely enforcement responses at non-compliant facilities. Settlements will, to the maximum extent practicable, incorporate pollution prevention principles and consider efficiencies that can be created through Agency or Department-wide solutions. Proper communication and tracking of enforcement actions are critical for leveraging limited resources. Regions and States are expected to take all necessary steps to ensure accurate data on compliance and the status of enforcement actions in the media data bases.

To foster compliance prior to formal enforcement, inspectors will be encouraged to provide information on pollution prevention principles and OFFE will continue to promote environmental auditing and pollution prevention through annual multi-media conferences for Federal facilities in each of the ten Regions, consistent with the separation of the enforcement and technical information functions for inspectors.

Regional Federal facility coordinators will be responsible for implementation of all phases of the Federal facilities multi-media enforcement program. FFCs will continue to improve Federal agency understanding of enforcement requirements through extensive outreach efforts, such as conducting multi-media federal facilities conferences and roundtables.

3. Strategic Planning Initiatives

In addition to developing internal policy and supporting legislative activities, OFFE will work with the Regions to formulate effective enforcement strategies. Regions will play a vital role in defining targeting principles, enforcement strategies, and settlement procedures. OFFE will also work with appropriate Headquarters offices in coordinating multi-media case development, in developing multi-media budgeting incentives, in defining pollution prevention opportunities, assessing technology development options, and in establishing personnel monitoring programs.

CHANGE TO STARS DEFINITIONS

OFA/E-4: For each media program report:

a. the number and names of Federal facilities impacted during the quarter, with dates of inspections;

b. compliance status of each inspected facility; and

c. date and type of enforcement action (with quarterly updates).

# Appendix: Strategic Targeted Activities for Results System (STARS) FY 1992 Measures

GOAL: TO PROTECT, RESTORE AND MAINTAIN THE NATION'S COASTAL AND MARINE WATERS TO SUBSTAIN LIVING RESOURCES, PROTECT HUMAN HEALTH AND THE FOOD SUPPLY, AND RECOVER FULL RECREATIONAL USE OF SHORES, BEACHES AND WATERS.

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ENVIRONMENTAL INDICATOR: Biotic Integrity

DEFINITION: Measure coastal biotic integrity

DATA SOURCE: OW is beginning a multi-agency effort in 1991 to develop a nationally accepted set of measurements.

ENVIRONMENTAL INDICATOR: Dead Zones

DEFINITION: Measure extent of coastal hypoxia

DATA SOURCE: OW will work with ORD's EMAP program and NOAA to explore the feasibility of using satellite imagery and remote sensing for measuring this.

ENVIRONMENTAL INDICATOR: Habitat

DEFINITION: Measure critical coastal and marine habitats, such as submerged aquatic vegetation, coral reefs, tidal flats, etc.

DATA SOURCE: OW will work with ORD, NOAA, USFWS and USGS to develop these measures.

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ENVIRONMENTAL INDICATOR: Shellfish Bed Closure Baseline

DEFINITION: Measure Shellfish Bed closures.

DATA SOURCE: State agencies currently classify shellfish areas based on fecal coliform levels. National standards have been developed by FDA for total and fecal coliforms and are used by all States making this the best current indicator of pathogen related water quality problems. However, there are concerns about the link between fecal coliform and true human health risk. EPA will work with NOAA and the FDA to determine the feasibility of using this information as a baseline.

ENVIRONMENTAL INDICATOR: Beach Closure Baseline

DEFINITION: OW is reviewing the standards deemed acceptable for swimming and other forms of contact recreation.

DATA SOURCE: Local and State health agencies are responsible for monitoring water quality at swimming beaches and other waters for contact recreation and for protecting the public by closing waters not meeting standards for such uses. Considerable differences exist among States, and even between many neighboring localities, in the standards deemed acceptable. In addition, major variations exist in monitoring frequency and sampling strategies resulting in little if any statistical comparability.

GOAL: TO PROTECT, RESTORE AND MAINTAIN THE NATION'S COASTAL AND MARINE WATERS TO SUBSTAIN LIVING RESOURCES, PROTECT HUMAN HEALTH AND THE FOOD SUPPLY, AND RECOVER FULL RECREATIONAL USE OF SHORES, BEACHES AND WATERS.

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ENVIRONMENTAL INDICATOR: Marine Debris Baseline

DEFINITION: Measure Marine debris

DATA SOURCE: EPA has funded the center for Marine Conservation which conducts numerous marine debris surveys annually. Local citizen groups volunteer to pick up debris and record data on the type and volume of debris collected. EPA and NOAA are currently funding a study to develop a standardized, statistically valid data collection methodology. Over time, information from surveys should be instructive in determining the amount of marine debris collected and forecasting amount that remains in the marine environment.

ENVIRONMENTAL INDICATOR: Industrial Waste Baseline

DEFINITION: Report the number of municipalities in compliance with the Ocean Dumping Ban Act (ODBA).

DATA SOURCE: ODBA requires the elimination of sludge dumping by December 31, 1991. Currently, nine municipalities are authorized to use the 106-mile site, and all of these, with the exception of New York City, will cease dumping by the deadline. NYC plans to cease dumping by June 30, 1992, with an interim phase-down to 80 percent of current levels by the 1991 deadline. OMEP, Region 2, currently report on the number of municipalities in compliance.

GOAL: TO PROTECT, RESTORE AND MAINTAIN THE NATION'S COASTAL AND MARINE WATERS TO SUBSTAIN LIVING RESOURCES, PROTECT HUMAN HEALTH AND THE FOOD SUPPLY, AND RECOVER FULL RECREATIONAL USE OF SHORES, BEACHES AND WATERS.

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ENVIRONMENTAL INDICATOR: Dredged Material Baseline

DEFINITION: Monitor the designation of dredged material disposal sites.

DATA SOURCE: OW intends to track the number of sites for which management and monitoring programs are established. Greater than 90 percent of the total volume of material dumped in the ocean consists of sediment dredged from U.S. harbors and channels. OW needs to work closely with the Corps of Engineers to minimize the impacts of this disposal.

GOAL: NO NET LOSS OF THE NATION'S WETLANDS

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ENVIRONMENTAL INDICATOR: Wetlands Acreage

DEFINITION: Physical inventory--acreage as aggregated nationally, regionally and per community type. Data is collected every ten years. Data is at such a macro-level that it is not now universally useful below a national level. EPA will be exploring the feasibility and costs of making the data more useful as an environmental indicator at the state, regional or watershed level. An annual report will be made on the status of this project.

DATA SOURCE: National Wetlands Inventory Status and Trends, U.S. Fish and Wildlife Service

GOAL: RESTORE, MAINTAIN AND PROTECT AND ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES.

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ENVIRONMENTAL INDICATOR: Waterbodies Assessed Under Section 305(b)

DEFINITION: Report, in the fourth quarter, the total size of waterbodies assessed by the States either through monitoring or evaluation, according to EPA Guidance for Section 305(b) reports. Report the total size of waterbodies fully, partially and not supporting designated uses, and the total size threatened.

This measure requires that the total size of stream miles, lake acres, estuary square miles, coastal miles, and Great Lakes shoreline miles assessed by the States, Territories, Interstate Commissions, and qualified Indian Tribes be reported in the fourth quarter. In addition, the water quality status of the waters (i.e., whether designated uses are fully, partially, or not supported, or whether designated uses are fully, partially, or not supported, or whether the waters are fully supporting uses but threatened) should also be reported for this measure.

The Section 305(b) guidelines establish two categories of assessed waters: monitored waters for which current site-specific monitoring data exist, and evaluated waters for which there are other types of data such as land use information and ambient data older than five years. These two categories provide a general level of confidence for most of the water quality data. A waterbody is defined as a fixed hydrologic unit as designated by the State. Waterbodies are limited to one type of water (e.g., river, lake, estuary). Consult the WBS User's Guide for additional guidance.

DATA SOURCE: Guidelines for the Preparation of the 1990 State Water Quality Assessment and future editions. Relevant data contained in State NPS Management Programs and Assessments and Sections 106/604(b) Work Programs.

GOAL: PUBLIC WATER SYSTEM SUPERVISION PROGRAM (PWSS): PROTECT THE QUALITY OF DRINKING WATER

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OBJECTIVE: Protect public health through ensuring compliance with drinking water standards.

ACTIVITY: Reduce noncompliance with existing drinking water standards.

MEASURE: (a) Negotiate, with each State, annual targets for the number of Significant NonCompliers (SNCs) and the number of exceptions that will be appropriately addressed or returned to compliance by June 1, 1992, and reported to ODW by June 22, 1992 for each of the two categories listed below. The target numbers will be based on the number of SNCs occurring as of the compliance period ending March 31, 1991, and the number of exceptions existing as of June 1, 1991 (both will be contained on the July 1991 SNC/Exception Report).

1) micro/turbidity/TTHM SNCs and exceptions 2) chem/rad SNCs and exceptions (Note: data are lagged one quarter.)

STARS CODE: DW/E-1
TARGETED: Q 3
REPORTED ONLY: Q 3
SUNSET:

MEASURE: (b) Report, using the SNC/Exception Report format, against all SNCs, those systems that: returned to compliance; had an appropriate enforcement action taken against them; remained unresolved; or became exceptions this quarter. Report separately for each of the following two groups: (Note: Date are lagged one quarter.)

1) micro/turbidity/TTHM SNCs
2) chem/rad SNCs

STARS CODE: DW/E-2
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET:

GOAL: PUBLIC WATER SYSTEM SUPERVISION PROGRAM (PWSS): PROTECT THE QUALITY OF DRINKING WATER

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**MEASURE:** (c) Report using the SNC/Exception Report format those systems identified as exceptions through the prior quarter which have since returned to compliance, had an appropriate enforcement action taken against them, or remained exceptions as of this quarter. Report separately for each of the following two groups:

1) micro/turbidity/TTHM exceptions
2) chem/rad exceptions (Note: data are lagged one quarter)

STARS CODE: DW/E-3
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET:

**ACTIVITY:** Demonstrate accomplishments in maintaining active State/Federal enforcement programs, including accomplishments for Federal Facilities.

**MEASURE:** Report, State by State: (1) the total number of EPA NOVs proposed administrative orders, final administrative orders, compiaints for penalty, civil referrals, criminal filings, and §1431 emergency orders issued, and the amount of each administratively assessed/collected penalty, during the quarter. (2) the number of State administrative orders; bilateral compliance agreements; civil cases referred to State Attorneys General (AGs), filed, and concluded; and the number of criminal cases filed by the AGs and concluded. (OECM will report the same data for EPA referrals.) (Note: State data are lagged 1 quarter)

STARS CODE: DW/E-4
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET:

GOAL: PUBLIC WATER SYSTEM SUPERVISION PROGRAM (PWSS): PROTECT THE QUALITY OF DRINKING WATER

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ACTIVITY: Reduce population exposed to contaminants in drinking water through the adoption and implementation of regulations pursuant to the 1986 SDWA Amendments.

MEASURE: Report by State those which have adopted new regulations, States which have received EPA approval of a primacy revision application, and States which have received approvals for an extension.

STARS CODE: DW\E-5
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET:

## DW/E-1 ANNUAL TARGETS FOR SNC/EXCEPTION RESOLUTION

Each Region shall negotiate with each State, annual targets for the number of SNCs and the number of exceptions that will be appropriately addressed or returned to complinace by June 1, 1992. States shall set two targets, one for the microbiological/turbidity/TTHM SNCs and exceptions, and one for the chemical and radiological SNCs & exceptions. The baseline for the targets shall be the number of systems contained on the July 1991 SNC/Exception Report which will be provided by ODW to the Regions in mid to late July 1991. This report will include the systems identified as SNCs for the first time as of the compliance period ending March 31, 1991; those previously identified for which "timely and appropriate" has not expired and the systems identified by the Regions as exceptions as of June 1, 1991. Targets shall be set based on the number of those SNCs and exceptions that will be appropriately addressed or returned to compliance by June 1, 1992. Regions are to negotiate each State's target based upon the State's current compliance statistics and capabilities for violation reduction.

An SNC is a public water system which meets any of the following criteria:*

1. Microbiological/Turbidity:

(a) Systems on monthly monitoring:

- 4 or more violations of the microbiological or turbidity MCL during any 12 consecutive months.
- 6 or more combined "major"* violations of the microbiological or turbidity monitoring/reporting requirements and/or violations of the microbiological or turbidity MCL during any 12 consecutive months.
- 10 or more combined microbiological or turbidity monitoring/reporting ("major" or "minor"**) and/or MCL violations during any 12 consecutive months.

(b) Systems on quarterly monitoring:

- 2 or more violations of the microbiological MCL during any 4 consecutive quarters.

- 3 or more combined "major" violations of the microbiological monitoring/reporting requirements and/or MCLs during any 4 consecutive quarters.

(c) Systems on annual monitoring:

- 2 or more combined "major" violations of the microbiological monitoring/reporting requirements and/or MCLs during any 2 consecutive one-year periods.

2. Chemical/Radiological

(a) Exceeds the unreasonable risk to health level identified for that contaminant (Unreasonable risk to health guidance/criteria will be distributed under separate cover.)

(b) Fails to monitor for or report the results of any of the currently regulated contaminants for 2 consecutive compliance periods.

* A "major" monitoring/reporting violation is one where no samples were taken or results reported during a compliance period.

** A "minor" monitoring/reporting violation is one where an insufficient number of samples were taken or results reported during a compliance period.

Note: The SNC definition has been revised to cover the Surface Water Treatment Rule and the new Total Coliform Rule. This definition will be issued shortly. It will be revised in mid FY1991 to cover the new Lead and Copper rule as well as the Phase II rule. Regions will be provided with these definitions as soon as they are available.

## DW/E-2 RESOLUTION OF SNCs

This measure will report those systems, which met any of the SNC criteria which returned to compliance, had an appropriate enforcement action taken against them, remain unresolved, or became an exception for the first time this quarter. In addition to reporting system by system follow-up information, Regions are to report two summary numbers, one for each of the following categories: 1) micro/turbidity/TTHM SNCs, and 2) chemical/radiological SNCs.

"Returned to Compliance" for SNCs of a microbiological MCL and/or M/R requirement, a turbidity MCL and/or M/R requirement, or a TTHM M/R requirement, is having no months of violation (either MCL or M/R), of the same contaminant which caused the system to become a SNC, during the six month period after the system was identified as a SNC.

"Returned to Compliance" for SNCs of a chemical or radiological analytical level is conducting analyses that demonstrates that the system no longer exceeds the MCL.

"Returned to Compliance" for SNCs of a chemical (other than TTHM) or radiological monitoring requirement is conducting the required monitoring and determining that the system does not exceed the MCL.

An "appropriate enforcement action" for SNCs is any of the following:

(a) the issuance of a bilateral, written compliance agreement signed by both parties, which includes a compliance schedule. (only appropriate for use by States)
(b) the issuance of a State or final Federal Administrative Order, or Compliance Order.
(c) the referral of a civil judicial case to the State Attorney General, or DOJ.
(d) the filing of a criminal case in an appropriate State or U.S. District court.

Timeliness for SNCs of is eight months after the system became an SNC. (Two months for the State to determine, and become aware of, the system's SNC status and six months in which to take the follow-up/enforcement action. "Take" means: issue a final administrative order, reger a civil case, file a criminal case or issue a bilateral compliance agreement. Proposed or draft actions are considered "taken")

An "exception" is a system which was: a) a SNC which has not returned to compliance or was not addressed timely and/or appropriately, b) a SNC previously addressed appropriately which fails by more than 60 days to meet a milestone of a compliance schedule, or c) a SNC system appropriately addressed by referring a civil or criminal case to the State AG but which has not been filed within 120 days of the referral.

## DW/E-3 RESOLUTION OF EXCEPTIONS

This measure will report those systems which previously became exceptions, which have returned to compliance, had an appropriate enforcement action taken against them, or remained exceptions during the past quarter. In addition to reporting system by system follow-up information, Regions are to report two summary numbers, one for each of the following categories: 1) micro/turbidity/TTHM exceptions, and 2) chemical/radiological exceptions. The definitions of returned to compliance and appropriate enforcement actions are contained in the previous section on DW/E-2.

## DW/E-4 STATE/FEDERAL ENFORCEMENT ACTIVITY

This measure is intended to identify the level of effort of enforcement activity occurring at the State and Federal levels. The measure is to include actions taken against any system (regardless of whether it is classified as an SNC, or non-SNC. Only those State actions that are against violators of "SDWA requirements" should be counted. Actions against violators of non-SDWA requirements (e.g., violations of State operator certification requirements) should not be counted. For State actions report the number of bilateral compliance agreements; administrative orders; civil cases referred, filed, and concluded; and criminal cases filed and concluded. For Federal actions, report by State, the number of NOVs, proposed AOs, final AOs, complaints for penalty, §1431 emergency actions, each administrative penalty amount assessed and collected, and the numbers of civil referrals, and criminal filings.

The information should include all the actions occurring during the quarter. This measure will be compiled all four quarters during FY '92. AO actions "in the works" should not be counted. These will likely be completed in the subsequent three months and States and Regions will get "credit" for them in the following reporting period.

The performance expectations for individual Regions for the number of proposed and final AOs should be roughly equivalent to the actions predicted as being achievable in the FY '92 Enforcement Resources Model. Criminal charges filed by the AGs include criminal indictments and criminal informations.

## DW/E-5 STATE ADOPTION OF NEW REGULATIONS

Regions will report for each new drinking water regulation (VOCs, SWTR, TC, Lead and Copper, Phase II and any other regulation promulgated in FY 1991) those States which have adopted newly promulgated national primary drinking water regulations and the date these rules were adopted. Regions will also report those States which have received EPA approval of their primacy program revision application and the States which have received approval of any extension.

Note: ODW will provide the form for this report. Regions are already providing this information to Headquarters.

GOAL: THE OVERALL GOAL OF EPA'S GROUND-WATER POLICY IS TO PREVENT ADVERSE EFFECTS TO HUMAN HEALTH AND THE ENVIRONMENT AND TO PROTECT THE ENVIRONMENTAL INTEGRITY OF THE NATION'S GROUND-WATER RESOURCES

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OBJECTIVE: Strengthen States' capability to develop/implement programs which focus on the comprehensive protection of ground-water resources.

ACTIVITY: Support efforts of Deputy Regional Administrators and States in developing and implementing State Comprehensive Ground-Water Protection Programs.

MEASURE: Regions will report:

1) activities supporting Deputy Regional Administrator measures to provide Regional cross-program integration in support of Comprehensive Ground-Water Protection Programs;

2) State progress in moving toward the development and implementation of Comprehensive Ground-Water Protection Programs.

STARS CODE: GW-1
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET:

GOAL: THE OVERALL GOAL OF EPA'S GROUND-WATER POLICY IS TO PREVENT ADVERSE EFFECTS TO HUMAN HEALTH AND THE ENVIRONMENT AND TO PROTECT THE ENVIRONMENTAL INTEGRITY OF THE NATION'S GROUND-WATER RESOURCES

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OBJECTIVE: Promote risk reduction efforts and prevent the contamination of current or potential drinking water resources through wellhead protection activities.

ACTIVITY: Assist States in the development and implementation of Wellhead Protection Programs.

MEASURE: Track, against regional targets, the number of States having EPA approved Wellhead Protection Programs.

STARS CODE: GW-2
TARGETED: Q,1,2,3,4
REPORTED ONLY: Q,1,2,3,4
SUNSET:

## GW-1 STATE COMPREHENSIVE GROUND-WATER PROTECTION PROGRAMS

This measure:

1) identifies Regional ground-water office contribution to Deputy Regional Administrator efforts aimed at improving both coordination among EPA/State grant workplans and consistency in implementation of regulations where these activities are related to ground-water protection;

2) for each state, describes the state's efforts to; 1) complete self-assessment of ground-water protection program and, 2) identify and prioritize gaps in current protection efforts which will be filled in order to develop a fully Comprehensive Ground-Water Protection Program. Self-assessments should also specify those Federal regulations and programs needing modification or further integration to ensure the development of a Comprehensive Program.

## GW-2 WELLHEAD PROTECTION PROGRAMS

This measure reflects the national objective of having all States with approved Wellhead Protection Programs.

GOAL: PROTECT UNDERGROUND SOURCES OF DRINKING WATER FROM ENDANGERMENT BY SUBSURFACE EMPLACEMENT OF FLUIDS THROUGH WELLS

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OBJECTIVE: Completing and Maintaining the National Regulatory Framework

ACTIVITY: Assure that injection wells maintain mechanical integrity.

MEASURE: Report, by Region, progress against quarterly targets for the number of wells that have mechanical integrity tests performed by operators and verified by EPA, States and Indian Tribes with primacy.

STARS CODE: DW-2
TARGETED: Q 1,2,3,4
REPORTED ONLY: Q 1,2,3,4
SUNSET:

ACTIVITY: Ensure that any potential endangerment to USDWs is identified.

MEASURE: Report, by Region, for EPA, States and Indian Tribes with primacy the number of Class I, II, III, IV and V wells found in SNC.

STARS CODE: DW/E-6
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET:

ACTIVITY: Maintain a high level of compliance through enforcement activities.

MEASURE: Report, by Region, for EPA, States and Indian Tribes with primacy all wells that appear on the Exceptions List from the date the violation becomes an exception through the date the violation is resolved, noting the date the formal enforcement action was taken, if any.

STARS CODE: DW/E-8
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET:

GOAL: PROTECT UNDERGROUND SOURCES OF DRINKING WATER FROM ENDANGERMENT BY SUBSURFACE EMPLACEMENT OF FLUIDS THROUGH WELLS

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**MEASURE:** Report, by Region, for EPA, States and Indian Tribes with primacy the number of administrative orders and equivalent actions and the total number of Sec. 1431 emergency orders issued by well Class.

STARS CODE: DW/E-9
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET:

**OBJECTIVE:** Reducing risks through geographic targeting

**ACTIVITY:** Reduce risks to public health and the environment

**MEASURE:** Report, by Region, for EPA, States and Indian Tribes with primacy the number of Class IV and endangering Class V injection well closures (by well type) achieved under UIC authority or in conjunction with other regulatory programs such as RCRA, UST, CERCLA, for example, or under well head protection efforts.

STARS CODE: DW/E-10
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET:

DW-2 VERIFY MECHANICAL INTEGRITY TESTS (MIT)

A complete MIT is composed of a test for significant leaks in the casing, tubing or packer and a test for significant fluid migration into a USDW through vertical channels adjacent to the well bore. An MIT consists of a field test on a well or an evaluation of a well's monitoring records (i.e., annulus pressure, etc.) or cement records. At a minimum, the mechanical integrity of a Class I, II, or III (solution mining of salt) well should be demonstrated at least once every five years during the life of the well.

DW/E-6 DISCOVERY OF POTENTIAL ENDANGERMENT

Definition of SNC - The term "significant noncompliance" means: (a) any violation by the owner/operator of a Class I or a Class IV well, (b) the following violations by the owner/operator of a Class II, III or V well: (1) any unauthorized emplacement of fluids (where formal authorization is required); (2) well operation without mechanical integrity which causes the movement of fluid outside the authorized zone of injection if such movement may have the potential for endangering a USDW; (3) well operation at an injection pressure that exceeds the permitted or authorized injection pressure and causes the movement of fluid outside the authorized zone of injection if such movement may have the potential for endangering a USDW; (4) failure to perform an MIT when requested; (5) the plugging and abandonment of an injection well in an unauthorized manner; (6) any violation of a formal enforcement action, including an administrative or judical order, consent agreement, judgement of equivalent State or Indian Tribe action; (7) the knowing submission or use of false information in a permit application, periodic report or special request for information about a well. NOTE: in the absence of information to the contrary, MIT failures and pressure exceedences are presumed to be SNC's.

DW/E-8 EXCEPTIONS LIST

This measure focuses on injection well owners/operators that have remained in SNC for 90 or more consecutive days and there has been no formal enforcement action. The primacy agency will track the owner/operator on the Exceptions List until return to compliance, or the primacy agency transfers the enforcement responsibility to the civil or criminal justice system or out of the UIC program.

DW/E-9 ADMINISTRATIVE ORDERS

This measure provides an indication of how many and what types of administrative enforcement actions, EPA, States and Indian Tribes with primacy are taking when violations are discovered. Report, the number of proposed EPA AOs, equivalent actions by State and Indian Tribes with primacy, and the total number of Sect. 1431 emergency orders issued by well Class (list separately EPA, States and Indian Tribes with primacy). Since many Class V wells present high contamination risks to ground water, EPA, States and Indian Tribes with primacy should place an increased emphasis on issuing AOs for this Class. When counting proposed AOs, only those proposed orders that have been signed and sent to operators should be included. Draft information type orders are not included in this measure.

Individual Regional performance for the number of AOs is expected to be roughly equivalent to the benchmark targets derived in the FY 1991 Enforcement Workload Model.

DW/E-10 CLASS IV/V WELL CLOSURES (See: UIC Program Guidances #62 on ranking endangering Class V wells and #66 on Class IV and the TC Rule.)

Class IV includes any unauthorized hazardous waste (defined under RCRA) injection practice that typically discharges directly into or above a USDW or violates CFR 144.13.

Endangering Class V well types ranked by priority for permit and enforcement actions include industrial drainage, industrial waste disposal, motor vehicle facility waste disposal and any other Class V well(s) that the Region has identified as special problems.

Well closure describes a process to permanently discontinue injection of an unauthorized and endangering fluid contaminant which is in violation of RCRA or SDWA or applicable regulations. At this time, closure must include immediate cessation of injection of unauthorized waste stream to satisfy SDWA requirements. To satisfy both SDWA and RCRA, well closure may require additional actions:

-- Remove injection fluids deposited in well, sludge and any visibly contaminated soil.
-- Segregate hazardous waste streams from sanitary waste streams (septic system) and redirect HW to holding tank.
-- Restrict injection to authorized waste stream.
-- Seal floor drain.
-- Obtain authorized sewer hook-up.
-- Remove well, injectate and contaminated soil; dispose in authorized facility.
-- Imminent threat to USDW may require monitoring and ground-water remediation.

GOAL: TO PROTECT, RESTORE AND MAINTAIN THE NATION'S COASTAL AND MARINE WATERS TO SUSTAIN LIVING RESOURCES, PROTECT HUMAN HEALTH AND THE FOOD SUPPLY, AND RECOVER FULL RECREATIONAL USE OF SHORES, BEACHES AND WATERS.

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OBJECTIVE: Improve the management of dredged materials.

ACTIVITY: Prepare environmental impact stantements and rule making packages for Ocean Dumping site designation.

MEASURE: Track, by Region, progress against quarterly targets for:
- number of final environmental impact statements, and
- number of sites designated.

STARS CODE: WQ-1
TARGETED:
REPORTED ONLY: Q,1,2,3,4
SUNSET:

OBJECTIVE: Build institutions within the Chesapeake Bay to meet environmental objectives.

ACTIVITY: Achieve the commitments made in the 1987 Chesapeake Bay Agreement by the year 1992.

MEASURE: Track against targets the cummulative number of commitments in the 1987 Agreement that have been completed.

STARS CODE: CB-1
TARGETED:
REPORTED ONLY: Q,2,4
SUNSET:

OBJECTIVE: Build joint Federal/State capacity to meet environmental objectives.

ACTIVITY: Complete Comprehensive Conservation and Management Plans (CCMPs) based on commitments in the State/EPA Conference Agreements for each estuary project in the National Estuary Program.

GOAL: TO PROTECT, RESTORE AND MAINTAIN THE NATION'S COASTAL AND MARINE WATERS TO SUSTAIN LIVING RESOURCES, PROTECT HUMAN HEALTH AND THE FOOD SUPPLY, AND RECOVER FULL RECREATIONAL USE OF SHORES, BEACHES AND WATERS.

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MEASURE: Track, by Regional progress, against semi-annual accomplishments:
- completion of draft CCMP
- completion of final CCMP

As scheduled in EPA/State Conference agreement.

STARS CODE: NEP-1
TARGETED: Q,2,4
REPORTED ONLY: Q,2,4
SUNSET:

OBJECTIVE: Build institutions within the Great Lakes to meet environmental objectives.

ACTIVITY: Achieve the various objectives of the Great Lakes Water Quality Agreement of 1978, as amended in 1987.

MEASURE: Track against targets the cummulative number of commitments that have been completed in the Great Lakes Water Quality Agreement.

STARS CODE: GL-1
TARGETED: (To be decided)
REPORTED ONLY:
SUNSET:

## WQ-1 OCEAN DISPOSAL PERMITS

The number of final environmental impact statements (EISs) - It is expected that the Regions will prepare EISs for dredged material disposal sites based on the priorities set forth in the Memorandum of Understanding (MOU) between the Region and the Corps of Engineers District Office, and will prepare EISs for other disposal sites based on national priorities. The preparation of final EISs includes incorporating response to all comments received, and making necessary changes to finalize the EIS, which may include updating any of the surveys or special interagency activities, such as endangered species considerations.

The number of ocean dumping sites designated - It is expected that the Regions will designate dredged material disposal sites as set forth in the Memorandum of Understanding (MOU) between the Region and the Corps of Engineers District Office, and designate other disposal sites based on national priorities. In the preparation of a site designation documents, if the EIS Record of Decision selects ocean dumping as preferred alternative, the site designation activity includes promulgation of proposed rules and final rules. Also, it includes consultation with other Federal and State agencies, preparation of Federal Register notices, hearings, and response to public comments.

## CB-1 CHESAPEAKE BAY PROGRAM

It is expected that Region III will meet the commitments under the Bay Agreement of 1987 among the states of Pennsylvania, Maryland, and Virginia, the District of Columbia, and the Agency. These commitments relate to living resources, water quality, population growth and development, public information and participation, public access, and governance.

## NEP-1 NATIONAL ESTUARY PROGRAM

It is expected that the Regions with estuary projects in progress will support the continuing activities of the Management Conference as specified in the CWA. They are to manage the conduct of the scientific and technical work necessary to the development of a Comprehensive Conservation and Management Plan for the named estuary project in a timely and effective manner. Completion of the draft and final CCMP is to be reported by the Office of Water to the Deputy Administrator on a semi-annual basis.

## GL-1 GREAT LAKES PROGRAM

It is expected that the Great Lakes National Program Office, Regions II, III, and V, and the Great Lakes States, will be working to meet the U.S. commitments under the Great Lakes Water Quality Agreement of 1987 with Canada. The priority commitments under the Agreement relate to development and implementation of Remedial Action Plans and Lakewide Management Plans, conduct of Assessment and Remediation of Contaminated Sediment projects, and continuing water, air, fish, and sediment monitoring and sampling programs.

GOAL: NO NET LOSS OF THE NATION'S WETLANDS

OBJECTIVE: To build a stronger constituency for wetlands protection and improve dialogues with affected sectors. Use geographic targeting to address specific ecological problems, take advantage of state and local capabilities.

ACTIVITY: To utilize non-regulatory and anticipatory approaches in protecting wetlands

| | | |
|---|---|---|
| MEASURE: | Number of advance identifications completed | STARS CODE: WQ-2<br>TARGETED:<br>REPORTED ONLY: Q,1,2,3,4<br>SUNSET: |
| MEASURE: | Number of major public education and outreach initiatives completed | STARS CODE: WQ-2<br>TARGETED:<br>REPORTED ONLY: Q,1,2,3,4<br>SUNSET: |
| MEASURE: | Number of geograhically targeted Section 404 enforcement initiatives completed | STARS CODE: WQ-2<br>TARGETED:<br>REPORTED ONLY: Q,1,2,3,4<br>SUNSET: |
| MEASURE: | Number of comprehensive management and planning initiatives completed, e.g., greenways/river corridor management plans, special area management plans | STARS CODE: WQ-2<br>TARGETED:<br>REPORTED ONLY: Q,1,2,3,4<br>SUNSET: |

GOAL: NO NET LOSS OF THE NATION'S WETLANDS

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OBJECTIVE: Enforce the Section 404 program to improve rates of compliance with program requirements

ACTIVITY: Manage an effective Section 404 complance/enforcement program

| | | |
|---|---|---|
| MEASURE: | Number of administrative compliance orders issued | STARS CODE: WQ/E-1<br>TARGETED:<br>REPORTED ONLY: Q,1,2,3,4<br>SUNSET: |
| MEASURE: | Number of administrative penalty complaints issued | STARS CODE: WQ/E-1<br>TARGETED:<br>REPORTED ONLY: Q,1,2,3,4<br>SUNSET: |
| MEASURE: | Number of civil cases referred to Department of Justice | STARS CODE: WQ/E-1<br>TARGETED:<br>REPORTED ONLY: Q,1,2,3,4<br>SUNSET: |
| MEASURE: | Number of criminal cases referred to Department of Justice | STARS CODE: WQ/E-1<br>TARGETED:<br>REPORTED ONLY: Q,1,2,3,4<br>SUNSET: |
| MEASURE: | Number of wetlands enforcement cases resolved | STARS CODE: WQ/E-1<br>TARGETED:<br>REPORTED ONLY: Q,1,2,3,4<br>SUNSET: |

**GOAL: NO NET LOSS OF THE NATION'S WETLANDS**

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**WQ-2: STRATEGIC INITIATIVES (GENERAL DEFINITION FOR FOLLOWING FOUR NON-REGULATORY/ANTICIPATORY APPROACHES MEASURES)**

The following four WQ-2 measures represent specific categories of activities that have historically been combined under the title "Strategic Initiative (SI)," which can continue to be used as a blanket descriptor. The SI encompasses a fairly wide range of strategic activities undertaken by a Region to improve protection of wetlands and/or other critical aquatic habitats on a broad (temporal/spatial) scale. An SI may be extensive involving increased EPA action on a broad geographic scale in a major program activity area (e.g. increasing public outreach throughout a State). Alternatively, it may be intensive in being targeted to a more limited geographical area (e.g. enforcement in that area). At a minimum, an SI must include problem analysis, identification of goals for the target wetlands, evaluation of options to achieve the goals, an action plan, implementation, and evaluation of results. An SI should be a non-recurring project that is beyond the scope of what are generally considered to be "normal," day-to-day activities. As a guide, an SI should constitute a program component that represents one-tenth or more of the Region's wetlands program resources. To "complete" an initiative means to have (1) implemented all components of the action plan, with no more than the evaluation of results remaining to be done; and (2) submitted to Headquarters a brief (e.g., one-page) summary of the project, including start- and end-dates, approximate resources expended, activities undertaken, and anticipated benefits of the initiative. These summaries will provide useful data to Headquarters on Regional activities and can serve as valuable information-transfer vehicles among Regions.

It is understood that specific projects can cut across the definitions below, e.g., an Advance Identification can, and should, involve a substantial public outreach component. Regions are requested to avoid "double-counting" by choosing the most appropriate category under which to report the completion of an initiative.

**GOAL: NO NET LOSS OF THE NATION'S WETLANDS**

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**WQ-2: NUMBER OF ADVANCE IDENTIFICATIONS COMPLETED**

Completion of an Advance Identification as defined in 40 CFR Part 230.80 of the CWA §404(b)(1) Guidelines and further described in the 1989 "Guidance to EPA Regional Offices on the Use of Advance Identification Authorities Under Section 404 of the Clean Water Act."

**WQ-2: NUMBER OF MAJOR PUBLIC EDUCATION AND OUTREACH INITIATIVES COMPLETED**

Completion of a major educational effort directed either to a specific sector of the regulated community (e.g., agricultural community, fishing industry) or to residents of a particular geographic area (e.g., communities in prairie pothole regions.)

**WQ-2: NUMBER OF GEOGRAPHICALLY TARGETED SECTION 404 ENFORCEMENT INITIATIVES COMPLETED**

Completion of an intensive §404 enforcement/compliance effort in a specific geographic area. Enforcement Initiatives are generally undertaken for their deterrent value in areas with histories of particularly poor compliance or with particularly vulnerable resources.

**WQ-2: NUMBER OF COMPREHENSIVE MANAGEMENT AND PLANNING INITIATIVES COMPLETED, E.G., GREENWAYS/RIVER CORRIDOR MANAGEMENT PLANS, SPECIAL AREA MANAGEMENT PLANS**

Completion of a management or planning initiative designed to provide the Region with a comprehensive strategy for addressing a variety of wetlands protection issues. Examples include development of greenway/river corridor management plans and special area management plans, development of water quality standards for wetlands, and development of strategies for improved interaction with State, Tribal, local, and/or other federal government bodies.

**WQ/E-1: NUMBER OF ADMINISTRATIVE COMPLIANCE ORDERS ISSUED**

Section 309(a) administrative compliance orders issued by EPA. As a general rule, such orders should require the violator not only to stop the illegal discharge, but also where feasible to take affirmative action to remove the fill/or restore the site.

GOAL: NO NET LOSS OF THE NATION'S WETLANDS

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WQ/E-1 NUMBER OF ADMINISTRATIVE PENALTY COMPLAINTS ISSUED

Section 309(g) administrative penalty complaints issued by EPA.

WQ/E-1 NUMBER OF CIVIL CASES REFERRED TO DOJ

Civil section 404 cases that a Region refers, either independently or jointly with the Corps, to DOJ for judicial action.

WQ/E-1 NUMBER OF CRIMINAL CASES REFERRED TO DOJ

Criminal section 404 cases that a Region refers to DOJ for prosecution.

WQ/E-1 NUMBER OF CASES RESOLVED (TOTAL OF ALL OF THE FOLLOWING ACTIVITIES)

Number of cases resolved through voluntary compliance, which occurs where the Region has not initiated any formal enforcement action against an illegal discharger, but instead achieves compliance through informal processes.

Number of section 309(a) compliance orders where the violator has complied with the terms of the order.

Number of section 309(g) administrative penalty actions in which the respondent has paid the penalty to the Region or, in those situations where payment is due and not forthcoming, where a federal district court has issued a final order requiring payment of the assessed penalty.

Number of civil judicial referrals which have resulted in a federal district court entering a final order in the case.

Number of criminal judicial referrals which have resulted in a federal district court entering a final order in the case.

GOAL: RESTORE, MAINTAIN AND PROTECT THE ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES.

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OBJECTIVE: Strengthen the scientific basis of water quality standards in protecting critical aquatic resources.

ACTIVITY: Conduct water quality standards triennial reviews.

MEASURE: Identify, against targets, the States Tribes completing a Section 303(c)(1) triennial review that includes, appropriate, biological criteria and salt water criteria, where antidegradation policies andimplementation methods and water quality standards for wetlands and coastal/estuarine waters; and for which EPA takes formal action (approval, or disapproval and request for promulgation).

STARS CODE: WQ-3
TARGETED: Q 2,4
REPORTED ONLY: Q 2,4
SUNSET: FY 93

ACTIVITY: Adopt water quality standards for toxic pollutants.

MEASURE: Identify, against targets, the States for which Regions approve the numeric criteria adopted by the States that are necessary to bring the States into full compliance with Section 303(c)(2)(B).

STARS CODE: WQ-4
TARGETED: Q 2,4
REPORTED ONLY: Q 2,4
SUNSET: FY 93

OBJECTIVE: Assess progress in meeting water quality standards using Section 303(d) targeted waterbodies.

ACTIVITY: Identify and track water quality improvement of targeted waterbodies.

MEASURE: Report, by State: (1) the number of waterbodies targeted for TMDL development in the 1992 Section 303(d) submittal; (2) the total size impaired and the total size threatened within these waterbodies; and (3) the number of complex and non-complex TMDLs anticipated.

STARS CODE: WQ-5
TARGETED:
REPORTED ONLY: Q 4
SUNSET: FY 94

GOAL: RESTORE, MAINTAIN AND PROTECT THE ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES.

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OBJECTIVE: Provide a comprehensive scientific basis for State use in protecting the ecological integrity of aquatic resources.

ACTIVITY: Develop ecological criteria guidance.

MEASURE: Identify, against targets, the ecological criteria guidance Headquarters will publish.

STARS CODE: WQ-6
TARGETED: Q 4
REPORTED ONLY: Q 4
SUNSET: FY 93

OBJECTIVE: Reduce pollutant loadings from nonpoint sources (NPS) to State-identified priority waterbodies.

ACTIVITY: Implementation of nonpoint source (NPS) watershed control programs.

MEASURE: Identify, by State, against targets, the percentage of priority waterbodies identified in approved State NPS management programs with watershed control programs actively underway.

STARS CODE: WQ-7
TARGETED: Q 2,4
REPORTED ONLY: Q 2,4
SUNSET: FY 94

OBJECTIVE: Incorporate sediment assessment methods into point and nonpoint source controls.

ACTIVITY: Establish sediment water quality-based controls.

MEASURE: Report, by State and by name, waterbodies that have: (1) sediment monitoring for point sources; (2) sediment quality-based limits for point sources; and/or (3) sediment quality-based targets for nonpoint sources.

STARS CODE: WQ-8
TARGETED:
REPORTED ONLY: Q 4
SUNSET: FY 94

GOAL: RESTORE, MAINTAIN AND PROTECT THE ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES.

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OBJECTIVE: Incorporate fish tissue monitoring and risk assessments of consuming contaminated fish into water quality programs.

ACTIVITY: Track fish consumption advisories to protect human health.

MEASURE: Report, by State and by name, waterbodies with fish tissue monitoring and waterbodies with fish consumption advisories.

STARS CODE: WQ-9
TARGETED:
REPORTED ONLY: Q 4
SUNSET: FY 94

OBJECTIVE: Ensure integration of CWA programs and target available resources on critical water quality problems.

ACTIVITY: Report program element funding.

MEASURE: Report, by State and qualified Indian Tribe, for FY 91 and for FY 92 through second quarter, the amount of surface water funds identified in the Section 106 work programs by selected national water quality program elements.

STARS CODE: WQ-10
TARGETED:
REPORTED ONLY: Q 2
SUNSET: FY 95

GOAL: RESTORE, MAINTAIN AND PROTECT THE ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES.

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OBJECTIVE: Support Agency focus on geographically targeted watersheds by issuing effluent guideline regulations that control pollutant discharges from industries concentrated in targeted areas.

ACTIVITY: Develop effluent guideline regulations (Headquarters).

MEASURE: Publish two regulations in the Federal Register: final amendments for the Organic Chemicals, Plastics and Synthetic Fibers Industry Categories; and final rule for the Offshore Oil and Gas Extraction Subcategory.

STARS CODE: WQ-11
TARGETED:
REPORTED ONLY: Q 4
SUNSET: FY 93

## WQ-3 CONDUCT WATER QUALITY STANDARDS TRIENNIAL REVIEWS

The water quality standards program requirements reflect priorities in the Science Advisory Board Report, "Reducing Risk: Setting Priorities and Strategies for Environmental Protection" and the Office of Water's "Strategic Plan." The emphasis of these documents and of the water quality standards program is the reduction of ecological risk in critical surface waterbodies.

The water quality standards program requirements for the FY 1991 - 1993 triennium were published in the FY 1991 Agency Operating Guidance. States are to adopt narrative biological criteria, salt water criteria, as appropriate, and antidegradation policies and implementation methods into water quality standards to further protect the nation's waterbodies. The critical waterbodies that must be addressed include wetlands and coastal/estuarine waters, but also may include lakes, streams and rivers. The requirements are designed to enhance the ability of States to adopt water quality standards that will serve as the foundation for programs to reduce the ecological risks facing our critical aquatic resources, particularly from nonpoint sources, combined sewer overflows and stormwater runoff.

In particular, the requirements include:

- By September 30, 1993, State and qualified Indian Tribes must adopt narrative biological criteria. The biological criteria shall be developed in accordance with either the Biological Criteria Program Guidance Document (April, 1990) or some other scientifically valid method. Criteria shall be developed that define the structure and function of the biota inhibiting minimally impaired reference waters, including species richness, diversity, trophic composition, and abundance and/or biomass, that relate to the designated uses in the water quality standards. Such criteria maybe used in refining the uses of the water and in determining if the designated uses have been attained.

- By September 30, 1993, water quality standards must contain salt water criteria, as appropriate. These criteria are for pollutants for which EPA has published Section 304(a) criteria guidance.

- Also, by September 30, 1993, water quality standards must contain an acceptable antidegradation policy and implementation methods. This requirement is discussed in the FY 1988 national water quality standards program guidance and in proposed revisions to the Water Quality Standards Regulation.

- In addition, by September 30, 1993, State and qualified Indian Tribes must adopt narrative water quality standards that apply directly to wetlands. Wetland water quality standards shall be established in accordance with either the National Guidance, Water Quality Standards of Wetland (July, 1990) or some other scientifically valid method. In adopting water quality standards for wetlands, States and qualified Indian Tribes, as a minimum, shall: (1) define wetlands as "State waters"; (2) designate uses that protect the structure and function of the wetlands; (3) adopt aesthetic narrative criteria (the "free froms") and appropriate numeric criteria in the standards to protect the designated uses; (4) adopt narrative biological criteria into the standards; and (5) extend the antidegradation policy and implementation methods to wetlands. Unless results of a use attainability analysis show that the Section 101(a) goals can not be achieved, States and qualified Indian Tribes shall designate uses for wetlands that provide for the protection of fish, shellfish, wildlife, and recreation. When extending the antidegradation policy and implementation methods to wetlands, consideration should be given to designating critical wetlands as Outstanding National Resource Waters. As necessary, the antidegradation policy and implementation methods should be revised to reflect the unique characteristics of wetlands.

- Finally, by September 30, 1993, State and qualified Indian Tribe water quality standards must apply directly to estuaries, as appropriate. In accordance with existing regulations and guidance, water quality standards for estuaries shall include designated uses, salt water criteria for pollutants for which EPA has published Section 304(a) criteria guidance, narrative biological criteria to protect the designated uses of the estuaries, and an antidegradation policy and implementation methods. When including the antidegradation policy and implementation methods in water quality standards for estuaries, consideration also should be given to designating the estuaries as Outstanding National Resource Waters.

For States and qualified Indian Tribes included in the targets for this measure in FY 1992, the State or qualified Indian Tribe must complete a triennial review of water quality standards and EPA take formal action by September 30, 1992. Formal action includes approval, or disapproval and a request that the Administrator promulgate Federal standards. Targets for this measure have to be developed for the second and fourth quarters of FY 1992.

## WQ-4 ADOPT WATER QUALITY STANDARDS FOR TOXIC POLLUTANTS

Section 303(c)(2)(B) of the CWA, as amended, requires that whenever a State reviews water quality standards in accordance with Section 303(c)(1), the State must adopt numeric criteria into water quality standards for Section 307(a) priority pollutants that could be reasonably expected to interfere with designated uses. This measure tracks the States for which the Regions approve the numeric criteria adopted by the States that are necessary to bring the States into full compliance with Section 303(c)(2)(B).

Not all States have complied fully with the requirements of Section 303(c)(2)(B). Where the Regions disapproved water quality standards or portions of those standards because the Section 303(c)(2)(B) requirements were not met, the Agency initiated action to propose Federal standards. If a State adopts sufficient criteria to fully comply with Section 303(c)(2)(B), EPA will not promulgate Federal standards for that State. Targets for this measure have to be developed for the second and fourth quarters of FY 1992.

## WQ-5 IDENTIFY AND TRACK WQ IMPROVEMENT OF TARGETED WATERBODIES

Report, in the fourth quarter, by State: (1) the number of waterbodies targeted for Total Maximum Daily Load (TMDL) development in the 1992 303(d) submittal; (2) the total size impaired and the total size threatened within these waterbodies; and (3) the number of complex and non-complex TMDLs anticipated.

This measure begins a process for measuring environmental results in a subset of the impaired and threatened waterbodies. Pursuant to CWA Section 303(d) and Office of Water program guidance issued in 1990, every two years starting in April 1992, States will identify water-quality limited waterbodies and the subset of these waterbodies for which TMDLs will be developed during the subsequent two years. States should use the Waterbody System (WBS) Waterbody Identification Number to identify the Section 303(d) targeted waterbodies. The total size impaired is the sum of the portions of these waterbodies partially and not supporting uses as reported under Section 305(b). The total size threatened is the sum of the portions of these waterbodies threatened under Section 305(b). Regions will ensure that they can determine the status of water quality in the individual targeted waterbodies using either the WBS or an independent information system. This information collected in 1992 will be used as a baseline for measuring changes in the total size impaired and threatened. We anticipate using a four year cycle for comparison. In 1994, a different set of targeted waterbodies will be identified and similarly evaluated on a four year cycle.

Threatened waters have been included in this measure in view of the Agency's pollution prevention strategy. If a threatened waterbody remains unimpaired over the longer timeframe, then the goal of pollution prevention will be achieved.

The number of complex and non-complex TMDLs is also reported in this measure. A complex TMDL includes multiple dischargers, use of sophisticated WQ models, situations requiring specific Regional consideration, and situations where nonpoint source loads are critical factors in developing the TMDL. For each waterbody there should be one TMDL. The number of TMDLs reported as "anticipated" in 1992 would become the target measures for the number of TMDLs completed in 1994.

WQ-6 DEVELOP ECOLOGICAL CRITERIA GUIDANCE

A key theme in the Science Advisory Board Report, "Reducing Risk: Setting Priorities and Strategies for Environmental Protection," and the Office of Water's "Strategic Plan" is to reduce ecological risks facing critical aquatic resources. We also need to view the integrity of the water environment holistically -- the sum total of the complex biological, chemical and physical dynamics necessary to sustain long-term processes -- ecological integrity -- of a healthy aquatic ecosystem. Over time, criteria guidance will provide a comprehensive basis on which to design programs that prevent and control pollution and habitat alteration and destruction and loss of species, particularly from nonpoint sources, combined sewer overflows and stormwater runoff. Chemical-specific sediment criteria to protect aquatic life and numeric biological criteria for streams, rivers, lakes, wetlands and estuaries are the most pressing priority needs. Then, as resources allow, criteria will be published to protect habitat in critical waterbodies.

WQ-7 IMPLEMENTATION OF NONPOINT SOURCE WATERSHED CONTROL PROGRAMS

This measure tracks the degree to which States are actively implementing NPS management practices in the watersheds of the priority waterbodies which they have identified in their approved NPS management programs as needing protection from or abatement of NPS pollution. All States have approved NPS management programs which identify priority waterbodies requiring actions to abate or prevent NPS pollution. States have had available to them two Section 319 grant awards, technical and financial support from other EPA programs such as the National Estuaries program, and from other Federal agencies such as the Soil Conservation Service and Forest Service of the U.S. Department of

Agriculture and the Bureau of Land Management of the U.S. Department of the Interior, as well as funding and technical support from State and local sources to assist them in initiating and expanding the needed actions. This measure identifies the percentage of its priority watersheds in which each State is actively implementing such activities.

In reporting on this measure, Regions should use as a base the number of priority waterbodies identified by each State in its approved NPS management program. For the purposes of this measure, "active implementation" means that: landowners/land managers within the watershed have adopted or have formally committed to adopting approved BMPs and/or BMP control systems; regulations/ordinances requiring approved BMPs within the watershed exist or are being actively developed; or outreach/technology transfer/demonstration programs targeted to obtaining adoption of approved BMPs by specific categories of landowners/land managers within the watershed are being actively conducted.

WQ-8 ESTABLISH SEDIMENT WATER QUALITY-BASED CONTROLS

This measure requirements the Agency's increased emphasis on water quality impaired by contaminated sediments and begins to measure progress toward controlling sources of sediment contamination. The first step needed is an assessment of sediment quality. Sediment monitoring should be performed whenever known fish contamination exists. Regions should work with the States to ensure that in each State, where contamination is suspected, sediments at three or more locations are sampled for metals, persistent organic pollutants, total organic carbon (TOC), acid-volatile sulfides (AVS) and toxicity. Where organic or metal contaminants, normalized by TOC and AVS respectively, are found at levels greater than promulgated, proposed or draft chemical-specific sediment quality criteria, Regions should reasonably assure that States begin adoption of Section 303 sediment quality standards for those contaminants found at levels above criteria. (Six non-ionic organic chemical criteria for sediments will be published in the Federal Register by the end of FY91.) Based on EPA's sediment criteria and bioaccumulation policy, Regions should work with the States to reasonably assure that where a State has adopted sediment criteria and sediment quality-based control procedures, the State implements sediment-quality based permit limits for point sources during permit reissuance (unless conditions warrant an immediate reopening), and sediment-quality based targets for nonpoint sources. Where the Region administers the NPDES program, and where EPA adopts sediment criteria and sediment quality-based control procedures, the Region should develop sediment quality-based permit limits for the contributing sources whose permits are reissued.

In reporting on this measure, Regions should indicate by waterbody any and all of the three activities listed, i.e., sediment monitoring for point sources, sediment quality-based limits for point sources, and/or sediment quality-based targets for nonpoint sources. FY92 will be a transition year and will demonstrate progress States are making in addressing this important pollution problem.

## WQ-9 TRACK FISH CONSUMPTION ADVISORIES TO PROTECT HUMAN HEALTH

Environmental agencies and health departments at the State level are responsible for protecting the public from the risks of consuming contaminated fish that are harvested locally by issuing consumption advisories or bans when necessary. The public health advisory is a management tool available to regulators to warn the public of high levels of toxic substances in fish. EPA will develop guidance to promote the use of risk assessments in determining the potential risk to humans from the consumption of contaminated fish and will encourage the States to generate fish tissue monitoring data for this purpose. This data can then be used for a risk assessment to determine if a fish advisory is necessary. Initially, States will be required to:

1. Report in the Waterbody system the names of waterbodies with fish tissue monitoring data. In the STORET system store information on the pollutants analyzed in fish and the type of analysis that was performed, i.e., whole body, fillet, etc.

2. Report in the Waterbody system the names of waterbodies for which fish consumption advisories have been issued. The Section 305(b) report should indicate the pollutants covered in the advisory, the type of advisory issued (i.e., fish consumption ban, a consumption ban only for pregnant women and children, a fish advisory which recommends so many meals/ounces of fish per month), the risk assessment approach used in the determination to issue a fish advisory (i.e., EPA risk assessment methodology, FDA action level, etc.), the extent of the advisory, and the common name of the fish covered by the advisory.

## WQ-10 REPORT PROGRAM ELEMENT FUNDING

This measure provides Headquarters with the best available information on distribution of Section 106 surface water grant funds among selected national water quality program elements. This measure requires that the amount of funds identified in Section 106 work programs for the following national water quality program elements be reported in the second quarter: permits/

enforcement; source and ambient monitoring and laboratory costs (combined); water quality standards; and NPS implementation.

WQ-11 DEVELOP EFFLUENT GUIDELINE REGULATIONS (HEADQUARTERS)

This measure tracks the development in Headquarters of two regulatory projects that will enhance the control of wastewater discharges to surface waters and municipal wastewater treatment systems. The majority of Organic Chemicals, Plastics and Synthetic Fibers Industry Categories and Synthetic Fibers (OCPSF) manufacturing facilities are located in the industrialized, highly-populated areas that typically coincide with the geographically targeted areas of the U.S. Many Offshore oil and gas platforms are located in or near sensitive marine environments. The current schedules call for promulgation of the OCPSF amendments in April 1992 and promulgation of the Offshore Oil and Gas regulation in June 1992.

GOAL: REDUCE AND ELIMINATE POLLUTION TO THE NATION'S WATERS FROM POINT SOURCES THROUGH AGGRESSIVE IMPLEMENTATION AND ENFORCEMENT OF FEDERAL AND STATE STANDARDS UNDER THE CLEAN WATER ACT.

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**OBJECTIVE: Assess toxicity control needs and reissue major permits in a timely manner.**

**ACTIVITY: Major permit reissuance.**

**MEASURE:** Track, against targets, the number of permits reissued to major facilities during FY 92 (report NPDES States and non-NPDES States separately).

STARS CODE: WQ-12
TARGETED: Q 1,2,3,4
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 93

**MEASURE:** Identify the number of final permits reissued and the number modified during FY 92 that include water quality based limits for toxics (NPDES States, non-NPDES States; report major and minors separately).

STARS CODE: WQ-13
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 93

OBJECTIVE: Ensure effective implementation of approved local pretreatment programs and effectively implement the program in non-local areas.

ACTIVITY: Tracking Pretreatment Programs

STARS CODE: WQ-14
TARGETED: Q 1,2,3,4
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 92

MEASURE: Track, by Region, against quarterly targets, for approved local pretreatment programs: 1) the number audited by EPA and by approved pretreatment States; and 2) the number inspected by EPA and by approved pretreatment States.

GOAL: REDUCE AND ELIMINATE POLLUTION TO THE NATION'S WATERS FROM POINT SOURCES THROUGH AGGRESSIVE IMPLEMENTATION AND ENFORCEMENT OF FEDERAL AND STATE STANDARDS UNDER THE CLEAN WATER ACT.

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OBJECTIVE: Reissuance of priority municipal permits which contain applicable sludge conditions.

ACTIVITY: Tracking Sludge Facilities

MEASURE: Track, against targets, total number of permits issued to priority sludge facilities containing sludge conditions necessary to meet the requirements of CWA section 405.

STARS CODE: WQ-15
TARGETED: Q 1,2,3,4
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 93

OBJECTIVE: Effectively implement the storm water permitting requirements.

ACTIVITY: Track storm water permitting activity.

MEASURE: Track, by Region and NPDES State, the number of baseline general permits issued for industrial storm water activity.

STARS CODE: WQ-16
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 93

MEASURE: Track, by Region and State, the number of Part One storm water applications submitted for large and medium cities and counties (population greater than 100,000).

STARS CODE: WQ-17
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 93

GOAL: REDUCE AND ELIMINATE POLLUTION TO THE NATION'S WATERS FROM POINT SOURCES THROUGH AGGRESSIVE IMPLEMENTATION AND ENFORCEMENT OF FEDERAL AND STATE STANDARDS UNDER THE CLEAN WATER ACT.

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OBJECTIVE: Achieve and maintain high levels of compliance in the NPDES program.

ACTIVITY: Identify compliance problems.

MEASURE: Report, by Region and State, the number of major permittees. Of these, track by Region and State the number and percent in significant noncompliance.

STARS CODE: WQ/E-4
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 94

MEASURE: Report, by Region and State, the number of approved pretreatment programs. Of these, track by Region and State the number and percent in significant noncompliance.

STARS CODE: WQ/E-5
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 92

ACTIVITY: Improve quality/timeliness of enforcement responses.

MEASURE: Identify, by Region and State, the number of major permittees in significant noncompliance on two or more consecutive QNCRs without returning to compliance or being addressed by a formal enforcement action (persistent violators). Identify how many quarters they have been in significant noncompliance.

STARS CODE: WQ/E-6
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 94

GOAL: REDUCE AND ELIMINATE POLLUTION TO THE NATION'S WATERS FROM POINT SOURCES THROUGH AGGRESSIVE IMPLEMENTATION AND ENFORCEMENT OF FEDERAL AND STATE STANDARDS UNDER THE CLEAN WATER ACT.

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OBJECTIVE: Achieve and maintain high levels of compliance in the NPDES program. (continued)

MEASURE: Report, by Region and State, the number of major permittees (including those for pretreatment SNC) that are on the previous exception list which have returned to compliance during the quarter, the number not yet in compliance but addressed by a formal enforcement action by the QNCR completion date, and the number that were unresolved (not returned to compliance during the quarter or addressed by a formal enforcement action by the QNCR completion date).

STARS CODE: WQ/E-7
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 94

MEASURE: Report, by Region, the total number of (a) EPA Administrative Compliance Orders and the total number of State equivalent actions issued; of these report the number issued to POTWs for not implementing pretreatment; (b) Class I and Class II proposed administrative penalty orders issued by EPA for NPDES violations and pretreatment violations; and (c) Administrative penalty orders issued by States for NPDES violations and pretreatment violations.

STARS CODE: WQ/E-8
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 94

MEASURE: Report, by Region, the active State civil case docket, the number of civil referrals sent to the State Attorneys General, the number of civil cases filed, the number of civil cases concluded, and the number of criminal referrals filed in State courts.

STARS CODE: WQ/E-9
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 94

GOAL: REDUCE AND ELIMINATE POLLUTION TO THE NATION'S WATERS FROM POINT SOURCES THROUGH AGGRESSIVE IMPLEMENTATION AND ENFORCEMENT OF FEDERAL AND STATE STANDARDS UNDER THE CLEAN WATER ACT.

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OBJECTIVE: Effectively enforce the pretreatment program.

ACTIVITY: Reporting Pretreatment Civil and Criminal Referrals

MEASURE: Report, by Region, the number of State pretreatment civil and criminal referrals sent to State Attorneys General and the number of State civil and criminal cases filed.

STARS CODE: WQ/E-10
TARGETED:
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 92

OBJECTIVE: Identify compliance problems and guide corrective action through inspections.

ACTIVITY: Improve effectiveness of inspection activities.

MEASURE: Track, by Region, against targets, the number of major permittees inspected at least once (combine EPA and State inspections and report as one number).

STARS CODE: WQ/E-11
TARGETED: Q 1,2,3,4
REPORTED ONLY: Q 1,2,3,4
SUNSET: FY 94

## WQ 12/13 PERMIT REISSUANCE: TOXIC PERMITS

The universe for measure WQ-12 is the total number of major permits that have or will expire by the end of FY 92. Measure WQ-12 is the total number of major permits issued with issuance dates (i.e., date signed by permit authority) during FY 92. Status as of the close of each quarter will be taken from PCS on the 10th of the month following the end of the quarter (e.g. the second quarter FY 92 data will be pulled from PCS on April 10).

Measure WQ-13 is all permits (major and minor) that include water quality based limits on specific chemicals or whole effluent toxicity and with issuance (modification) dates (i.e., date signed by EPA or State permit authority) during FY 92. WQ-13 is specifically designed to count water quality-based permits issued in FY 1992. Since "limit" is specifically designed to exclude permits which only include monitoring requirements, permits with only monitoring requirements will not be counted.

A water quality-based permit limit is a limit that has been developed to ensure a discharge does not violate State water quality standards. Such limits are expressed as maximum daily and average monthly values in Part I of the NPDES permit. They can be expressed as concentration values for individual chemicals and/or pollutant parameters such as effluent toxicity. Effluent toxicity can also be expressed in toxic limits. Limits should be reflective of data available through water quality-based assessments and should protect against impacts to aquatic life and human health.

As a matter of policy, EPA regards the 2/4/87 statutory requirements to control point sources as a component of the ongoing national program for toxics control. In the national toxics control program, all known problems due to any pollutant are to be controlled (using both new and existing statutory authorities) as soon as possible, giving the same priority to these controls as for controls where only 307(a) pollutants are involved. Known toxicity problems include violations of any applicable State numeric criteria or violations of any applicable State narrative water quality standard due to any pollutant (including chlorine, ammonia, and whole effluent toxicity), based upon ambient or effluent analysis. States and Regions will continue to issue all remaining permits, including those requiring the collection of new water quality data where existing data are inadequate to assess WQ conditions.

Performance Expectation: The goal of the State and EPA NPDES program is to have reissued permits in effect on the date the prior permit expires. In cases where unusual, complex and difficult issues prevent timely permit reissuance, Headquarters is offering alternative approaches to address the increasing backlog. We will work with Regions and States to adopt a more flexible performance expectation that allows for reduction of risk, targeting of watersheds and a better approach for balancing the workload facing the Regions and States. While our overall goal is to eliminate the permit backlog, there are different options for achieving this goal. The Regions and States could retain the usual commitment to reissue 100% of all expired or expiring permits. Where the backlog is large, we would encourage the State to look at a five year strategy. No less than 20% of the universe would be targeted for each year (unless the State has a year in which there are less than 20% expired or expiring). This would allow the Regions to focus the strategy in either of the following situations--the strategy can be developed to even out the workload or it could be tied to specific geographic areas. These strategies are to be initiated on a State-by-State basis and must include Headquarters in the approval process.

Regional quarterly reports for these measures will be reported to the Director of the Office of Water Enforcement and Permits.

WQ 14 PRETREATMENT AUDITS AND INSPECTIONS

A local pretreatment program audit is a detailed on-site review of an approved program to determine its adequacy. The audit report identifies needed modifications to the approved local program and/or the POTW's NPDES permit to address any problems. The audit includes a review of the substantive requirements of the program, including local limits, to ensure protection against pass through and interference with treatment works and the methods of sludge disposal. The auditor reviews the procedures used by the POTW to ensure effective implementation and reviews the quality of local permits and determinations (such as implementation of the combined wastestream formula). In addition, the audit includes, as one component, all the elements of a pretreatment compliance inspection (PCI).

In certain cases, non-pretreatment States will be allowed to conduct audits for EPA. If a non-pretreatment State has the experience, training, resources and capabilities to effectively conduct audits, these audits could be counted. A determination of whether a non-pretreatment State could conduct the audit for EPA will be worked out between EPA HQ and the Region during the commitment negotiation process on a case-by-case basis.

The pretreatment compliance inspection (PCI) assesses POTW compliance with its approved pretreatment program and its NPDES permit requirements for implementation of that program. The checklist to be used in conducting a PCI assesses the POTW's compliance monitoring and enforcement program, as well as the status of issuance of control mechanisms and program modifications. A PCI must include a file review of a sample of industrial user files. Note that this measure tracks "coverage" of approved pretreatment programs, not the number of audits or inspections conducted, which may be greater than the number of programs since some programs may be inspected/audited more than once a year.

Performance Expectation: At a minimum, audits should be performed at least once during the term of the POTW's permit. Although an audit includes all the elements of a PCI, as one component, the activity should not be counted as both an audit and a PCI; it should be counted as an audit. In any given year, all POTWs that are not audited should have a PCI as part of the routine NPDES inspection at that facility, i.e. audits plus inspections should equal 100 percent of approved POTWs, except where mitigating circumstances prevent this. Mitigating circumstances will be approved during negotiation process and could include the need to target audits to support watershed initiatives or to conduct an in-depth audit. For purposes of reporting, both audits and pretreatment compliance inspections should be lagged by one quarter, i.e. same as NPDES inspections. Also, where both an audit and an inspection are conducted for a POTW, for purposes of coverage, only that audit will be counted. There should be one number for EPA plus pretreatment States for audits and one number for EPA plus pretreatment States for inspections.

WQ-15: SLUDGE PERMITTING

Priority sludge facilities or "Class I Sludge Management Facilities" are: 1) pretreatment POTWs; 2) POTWS that incinerate their sludge; and 3) any other POTWs with known or suspected problems with their sludge quality or disposal practices. Non-pretreatment POTWs that incinerate sewage sludge may be considered non-priority if such decision is supported by information showing no cause for concern (i.e., existing controls adequately implement existing federal requirements and otherwise protect public health and the environment). The sludge conditions are to be included in permits as the NPDES permit expires and is reissued. The sludge conditions may be in another permit (such as a permit issued under the Clean Air Act, or a State permit) and incorporated by reference in the NPDES permit. NPDES permits issued by a State may be counted if pursuant to an EPA/State agreement and the Region has certified the permit as meeting CWA requirements. "Sludge conditions necessary to

meet CWA section 405" are those conditions required by the sludge permitting and state program regulations (May 2, 1989), adequate monitoring requirements; existing federal regulations, where applicable (e.g., 40 CFR Part 257 and after promulgation, 40 CFR, Part 503) and any additional case-by-case conditions necessary to protect the public health and environment.

Performance Expectation: The universe from which targets should be calculated is the number of priority sludge facilities found in the Region. The targets should be a minimum of 20% of the universe of priority sludge facilities. Report NPDES States and EPA together as one number.

WQ-16: GENERAL PERMITTING FOR STORM WATER

While there are some States still who have not received general permitting authority, this measure will begin to assess the activities of those States who have taken the incentive to begin working on their storm water issues. A baseline general permit is a permit issued focusing on regulating storm water discharges associated with industrial activities. Report general permits issued by NPDES States and EPA issued for non-NPDES States.

WQ-17: STORM WATER PERMIT APPLICATION

One year from date of notice in the Federal Register (i.e.,November 18, 1991), all large cities and counties (population greater than 250,000) are required to submit a Part One application for a storm water permit. One year and six months from date of notice in the Federal Register (i.e.,May 18, 1992) all medium cities (population between 100,000 and 250,000) are required to submit Part One application for storm water permit. This is the first step in a process that has a significant environmental result of controlling and cleaning up storm water. The element of pollution prevention plays a large role in the whole process. The entire universe of large cities and counties would be the commitment in the first quarter (Federally mandated deadline) and the entire universe of medium cities and counties would be the commitment for the third quarter, and progress in meeting these deadlines would be monitored throughout the year. Report EPA, NPDES States separately.

WQ E-4/5 NPDES COMPLIANCE

A facility is reported to be in significant noncompliance for failure to comply with NPDES permit requirements if it meet the criteria in the QNCR Guidance Manual, 1985. An approved pretreatment program should be identified as in significant noncompliance when it meets the criteria for SNC identified in the FY 1990 Reporting an Evaluating POTW Noncompliance with Pretreatment Requirements, issued September 27, 1989.

WQ E-6/7 EXCEPTIONS LIST

NOTE: For STARS report the number only. As part of OWAS, report both the number and the name and the number of quarters the facility has been in SNC. Also, the name list must be submitted with the numbers; only the fact sheet, with justification, will be reported by the 15th day of the beginning of the next quarter.

In regard to all major permittees listed in significant noncompliance on the Quarterly Noncompliance Report (QNCR) for any quarter, Regions/NPDES States are expected to ensure that these facilities have returned to compliance or have been addressed with a formal enforcement action by the permit authority within the following quarter (generally within 60 days of the end of that quarter). In the rare circumstances where formal enforcement action is not taken, the administering Agency is expected to have a written record that clearly justifies why the alternative action (e.g.,enforcement action, permit modification in process, etc.) was more appropriate. Where it is apparent that the State will not take appropriate formal enforcement action before the end of the following quarter, the States should expect the Regions to do so. This translates for Exceptions List reporting as follows:

Exceptions Lists reporting involves tracking the compliance status of major permittees listed in significant noncompliance on two or more consecutive QNCRs without being addressed with a formal enforcement action. Reporting begins on January 1, 1992 based on permittees in SNC for the quarters ending June 30, and September 30, that have not been addressed with a formal enforcement action by November 30. Regions are also expected to complete and submit with their Exceptions List a fact sheet which provides adequate justification for a facility on the Exceptions List. The fact sheet

should be submitted by the 15th day of the beginning of the next quarter. After a permittee has been reported as returned to compliance or addressed by a formal enforcement action, it should be dropped from subsequent lists.

Reporting is to be based on the quarter reported in the QNCR (one quarter lag).

Returned to compliance (refer to the QNCR Guidance for a more detailed discussion of SNC and SNC resolution) for Exceptions List facilities refers to compliance with the permit, order, or decree requirement for which the permittee was placed on the Exceptions List (e.g., same outfall, same parameter). Compliance with the conditions of a formal enforcement action taken in response to an Exception List violation counts as an enforcement action (rather than return to compliance) unless the requirements of the action are completely fulfilled and the permittee achieves absolute compliance with permit limitations. The Exceptions List includes pretreatment SNC.

Formal enforcement actions against non-federal permittees include any statutory remedy such as Federal Administrative Order or State equivalent action, a judicial referral (sent to HQ/DOJ/SAG), or a court approved consent decree. A section 309(g) penalty administrative Order (AO) will not, by itself, count as a formal enforcement action since it only assesses penalties for past violations and does not establish remedies for continuing noncompliance. Unless the facility has returned to compliance, a 309(a) compliance order should accompany the 309(g) penalty order. Formal enforcement actions against federal permittees include Federal Facility Compliance Agreements, documenting the dispute and forwarding it to Headquarters for resolution, or granting them Presidential exemption.

## WQ E-8 ADMINISTRATIVE ORDERS

Headquarters will report EPA Administrative Compliance Orders (AOs) and State equivalent actions from PCS. All AOs must be entered into PCS by the 2nd update of the new quarter to be counted in the report. For pretreatment, only AOs issued to POTWs should be counted here. AOs issued to industrial users are counted in OWAS. Where an AO or APO includes both pretreatment and NPDES violations, the AO/APO should be counted once and considered a pretreatment AO/APO. For purposes of counting State penalty orders, any order which proposes the assessment of a cash penalty against a violator may be counted. Where the State has a two step process (similar to EPA's process) the proposed order should be counted.

WQ E-9 REFERRALS

The active case docket consists of all referrals currently at the State Attorney General and the number of referrals filed in State Court. A case is concluded when a signed consent decree is filed with the State Court; the case is dismissed by the State Court; the case is withdrawn by the State Attorney General after it is filed in a State Court; or the State Attorney General declines to file the case. OE will report the same data for Federal referrals; State referrals will be reported to the Regions.

WQ E-10 PRETREATMENT REFERRALS

The active case docket consists of all referrals currently with the State Attorney General and the number of referrals filed in State Courts. OE will report the same data for Federal referrals; State referrals will be reported to the Regions.

WQ E-11 INSPECTIONS

As the inspections strategy states, all major facilities should receive the appropriate type of inspection each year by either EPA or the State. Individual inspection programs developed on a State specific basis to target inspections and produce better compliance would be considered as meeting this definition if approved by Headquarters. As part of the NPDES inspection, verification of sludge management practices as defined in guidance and training should be conducted as appropriate. EPA and States collectively commit to the number of major permittees inspected each year with a Compliance Evaluation Inspection (CEI), Compliance Sampling Inspection (CSI), Toxic Inspection (TOX), Biomonitoring Inspection (BIO), Performance Audit Inspection (PAI), Diagnostic Inspection (DIAG), or Reconnaissance Inspection (RI). Reconnaissance Inspections will only count toward the commitment for majors coverage when they are done on facilities that meet the following criteria:

(1) The facility has not been in SNC for any of the four quarters prior to the inspection.

(2) The facility is not a primary industry as defined by 40 CFR, Part 122, Appendix A.

(3) The facility is not a municipal facility with a pretreatment program.

Commitments for major permittee inspections should be quarterly targets and are to reflect the number of major permittees inspected at least once, unless an alternative approach has been agreed to with Headquarters. The universe of major permittees to be inspected is defined as those listed as majors in PCS. Multiple inspections of one major permittee will count as only one major permittee inspected (however, all multiple NPDES inspections will be included in the count for the measure that tracks the total number of all inspections, see next paragraph).

The measure for tracking total inspection activity will not have a commitment. CEI, CSI, TOX, BIO, PAI, RI, and DIAG of major and minor permittees will be counted. Pretreatment inspections for IUs and POTWs will be counted only toward pretreatment inspection commitments. Multiple inspections of one permittee will be counted as separate inspections; Reconnaissance Inspections will be counted. It is expected that up to 10% of EPA resources will be set aside for neutral inspections of minor facilities.

When conducting inspections of POTWs with approved pretreatment programs, a pretreatment inspection component (PCI) should be added, using the established PCI checklist. An NPDES inspection with a pretreatment component will be counted toward the commitments for majors, and the PCI will count toward the commitment for POTW pretreatment inspections. (This will be automatically calculated by PCS.) Regions are encouraged to continue CSI inspections of POTWs where appropriate. Industrial user inspections done in conjunction with audits or PCIs or those done independent of POTW inspections will be counted as IU inspections. Tracking of inspections will be done at Headquarters based on retrievals from the Permit Compliance System (PCS) according to the following schedule:

| INSPECTIONS | RETRIEVAL DATE<br>The First working day after the second update in: |
|---|---|
| July 1, 1991 through Sep. 30, 1991 | Jan. 1992 |
| July 1, 1991 through Dec. 31, 1991 | April 1992 |
| July 1, 1991 through March 31, 1992 | July 1992 |
| July 1, 1991 through June 30, 1992 | Oct. 1992 |

Inspections may not be entered into PCS until the inspection report with all necessary lab results has been completed and the inspector's reviewer or supervisor has signed the completed 3560-3 form.

Note: STARS only tracks the number of major permittees inspected. OWAS tracks the number of inspections. Regional and State inspection plans should be established by FY 1992 in accordance with guidance on inspection plans.

GOAL: THE OVERALL GOAL OF THE OFFICE OF MUNICIPAL POLLUTION CONTROL IS TO IMPROVE/MAINTAIN THE ENVIRONMENTAL QUALITY OF SURFACE WATERS.

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OBJECTIVE: Maintain baseline program that ensures integrity of Federal investment in municipal pollution control as Federal grant program is phased out in an expeditious and orderly manner.

**ACTIVITY:** State Revolving Fund Management.

**MEASURE:** Track, by Region, progress against quarterly targets for net outlays for State Revolving Fund (SRF) and construction grants.

STARS CODE: WQ-18
TARGETED: Q 1, 2, 3, 4
REPORTED ONLY: Q 1, 2, 3, 4
SUNSET:

**ACTIVITY:** Management of On-going Construction Grants Program.

**MEASURE:** Track, by Region, progress against quarterly targets for the number of Step 3, Step 2+3, Marine CSO and PL 84-660 projects administratively completed.

STARS CODE: WQ-19
TARGETED: Q 1, 2, 3, 4
REPORTED ONLY: Q 1, 2, 3, 4
SUNSET:

**ACTIVITY:** Management of On-going Construction Grants Program.

**MEASURE:** Track, by Region, progress against quarterly targets for the number of Step 3, Step 2+3, Marine CSO and PL 84-660 project closeouts.

STARS CODE: WQ-20
TARGETED: Q 1, 2, 3, 4
REPORTED ONLY: Q 1, 2, 3, 4
SUNSET:

**ACTIVITY:** Management of On-going Construction Grants Program.

**MEASURE:** Track, by Region, progress against quarterly targets for the number of Step 3, Step 2+3, Marine CSO and PL 84-660 projects beginning to achieve environmental results.

STARS CODE: WQ-21
TARGETED: Q 1, 2, 3, 4
REPORTED ONLY: Q 1, 2, 3, 4
SUNSET:

WQ-18 STATE REVOLVING FUND MANAGEMENT

Percents of cumulative net outlays for construction grants and State Revolving Fund (SRF) to program commitment - The net sum of payments made and recovered from PL 84-660 projects, PL 92-500 contract authority projects, as well as projects funded with Talmadge/Nunn, FY 1977 supplemental, FY 1978 through FY 1990 budget authority, Section 205(g) funds, Section 205(m) funds, 604(b) funds, including all Title VI funds appropriated expressly for SRF.

Performance Expectation - The cumulative Regional commitment will consist of construction grants and SRF. The performance expectation for the commitment will be ± 5%.

WQ-19 MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

Number of Step 3, Step 2+3, Marine CSO, and PL 84-660 projects administratively completed - A project is considered administratively complete when a final audit is requested; or, for projects that cannot be sent to OIG because of related ongoing projects, when all of the administrative completion requirements have been satisfied.

Performance Expectation - The goal will be to begin FY 1993 with no backlogged projects. An acceptable commitment would be the number of projects that must be completed in FY 1992 in order to enter FY 1993 with no backlogged projects, minus those projects the Region and Headquarters mutually agree are not able to be administratively completed during FY 1992.

A "backlogged" project is defined as:

- A Step 3, Step 2+3, or PL 84-660 project awarded **before 12/29/81** which has been physically complete for more than **12 months**, but has not yet been administratively completed.
- A Step 3, Step 2+3, or Marine CSO project awarded **after 12/29/81** which has initiated operations for more that **18 months**, but has not yet been administratively completed.

WQ-20 MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

Number of Step 3, Step 2+3, Marine CSO and PL 84-660 project closeouts - A closeout occurs after: (1) An audit has been resolved or a determination has been made by OIG that an audit will not be performed; (2) Funds owed the Government by the grantee (or vice versa) have been recovered (or paid); and (3) A closeout letter has been issued to the grantee; or (4) Any disputes filed under 40 CRF, Parts 30 and 31 have been resolved.

Performance Expectation - Project closeout is expected to occur within 6 months of final audit resolution, project "screenout" or, for projects under $1 million, within 6 months of administrative completion. However, the time-based goal does not apply when:

- The grantee appeals a final decision in accordance with 40 CFR, Parts 30 and 31; or
- The action official has referred the project to the servicing finance office to establish an accounts receivable based on the audit findings.

The estimated number of Step 3, Step 2+3, Marine CSO and PL 84-660 projects awaiting closeout or awaiting audit resolution at the beginning of the fiscal year plus any project planned for "screen out" by OIG during the fiscal year should be planned for closeout by the end of the fiscal year.

WQ-21 MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

Number of Step 3, Step 2+3, Marine CSO and PL 84-660 projects beginning to achieve environmental results. A Step 3, Step 2+3, Marine CSO or PL 84-660 project is considered to have begun to achieve environmental results when the project initiates operations; i.e., when one of the following occurs:

- For projects awarded after 12/29/81, the date of "Initiation of Operation": N7 = "Ab" or "Bb" or "Fb".
- For projects awarded before 12/29/81, the date of "Physical Completion": N5 = "Ab" or "Bb" or "Fb".

Performance Expectation: An acceptable commitment would be 85% or greater of the number of projects projected to begin operations during FY 1992.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund

GOAL: Address Worst Sites and Worst Problems.

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| | | |
|---|---|---|
| OBJECTIVE: | Reduce the threat to human health and the environment. | |
| ACTIVITY: | Site Inspections and evaluations. | |
| MEASURE: | Report number of sites with Completed Site Inspections. (SIs) | STARS CODE: S/F-1<br>TARGETED: Y<br>REPORTED ONLY: N<br>SUNSET: 1993 |
| ACTIVITY: | Preliminary Assessments | |
| MEASURE: | Report number of sites with RCRA Preliminary Assessments under the Environmental Priorities Initiative (EPI). | STARS CODE: S/F-2<br>TARGETED: N<br>REPORTED ONLY: Y<br>SUNSET: 1995 |
| ACTIVITY: | Remedial Design activities. | |
| MEASURE: | Report the number of Remedial Designs completed at National Priorities List (NPL) sites. Report against a combined Fund and Enforcement target. | STARS CODE: S/C-3<br>TARGETED: Y<br>REPORTED ONLY: N<br>SUNSET: 1993 |
| ACTIVITY: | Remedial Action activities. | |
| MEASURE: | Report the number of Remedial Action Contract Awards at NPL sites. This measure will be reported against a combined Fund and Enforcement target. | STARS CODE: S/C-4<br>TARGETED: Y<br>REPORTED ONLY: N<br>SUNSET: 1993 |
| MEASURE: | Report the number of Remedial Actions completed at NPL sites. This measure will be reported against a combined Fund and Enforcement target. | STARS CODE: S/C-5<br>TARGETED: Y<br>REPORTED ONLY: N<br>SUNSET: 1993 |

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund

GOAL: Address Worst Sites and Worst Problems.

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OBJECTIVE: Reduce the threat to human health and the environment.

MEASURE: Report the number of NPL sites that have been completed. The reporting vehicle for this measure is the completion of a final Remedial Action completion at the site.

STARS CODE: S/C-6
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1993

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund

GOAL: Control Acute Threat Immediately.

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OBJECTIVE: Identify and assess uncontrolled releases of hazardous wastes in a timely manner.

ACTIVITY: First NPL Removal Actions and Remedial Investigations and Feasibility Studies (RI/FS).

MEASURE: Report the number of NPL sites where either a first Removal action or RI/FS has started. This measure is reported against a combined Fund and Enforcement target.

STARS CODE: S/C-7
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1993

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund

GOAL: Conduct a well-managed program.

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OBJECTIVE: Promote and enhance Superfund program success through application of trends analysis and implementing new and innovative technologies toward site clean-up.

ACTIVITY: Remedial Investigations and Feasibility Study activity (RI/FS).

MEASURE: Report the number of RI/FS projects nominated as a SITE program candidate.

STARS CODE: S/C-8
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1995

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund

GOAL: Move sites efficiently from Remedy Selection to Response

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OBJECTIVE: Manage for continuous improvement the timeframe from remedy selection to remedial design and remedial action towards the goals outlined in the Integrated Timeline.

ACTIVITY: Report the durations from remedy selection to remedial design and remedial action as compared to prior years performance.

MEASURE: Report the average duration, planned and actual, from ROD to RD Start for all sites scheduled for RD Start in FY 92.

STARS CODE: S/C-9(a)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

MEASURE: Report the average duration, planned or actual, from ROD to RA Start for all sites scheduled for RA Start in FY 92.

STARS CODE: S/C-9(b)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund

GOAL: Promoting consistency in selection of remedies at NPL sites.

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OBJECTIVE: Continue to implement goals of the National Contingency Plan (NCP) to ensure that 1) high threat wastes are treated; 2) low threat wastes are contained; and 3) contaminated ground water is restored or adequately controlled.

ACTIVITY: Record of Decision development.

MEASURE: Report the number of remedies selected at NPL sites. This is a combined, Fund and Enforcement, target.

STARS CODE: S/C-10
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1993

Office of Solid Waste and Emergency Response
FY 1992
Superfund Definitions

S/F-1 Number of Sites with Completed Site Inspection (SI) - This measure includes only Screening SIs . A SI is completed when: 1) a Screening Inspection Report has been received by the Region from a FIT, or the State; 2) the report has been reviewed and approved by the appropriate Regional official; 3) a decision has been made on whether to proceed with further site evaluation work; and 4) the SI report has been recorded in CERCLIS.

S/F-2 Number of Sites with Preliminary Assessments (PA) Conducted at RCRA Facilities (Report measure quarterly) This measure counts only those PAs which are completed as a part of the Environmental Priorities Initiative. A PA is completed when the assessment report is reviewed and approved by the Regions and an appropriate date is reflected in CERCLIS.

S/C-3 Number of Remedial Designs (RD) Completed at NPL Sites - An RD is complete when the plans and specifications and, in the case of a program lead-RD, a Fund-financed RA bid package for the selected remedy are developed.

Fund-Financed: For program lead RD projects, an RD completion is the date that EPA concurs on or approves and accepts the plans, specifications and RA bid package.

PRP-Financed: An RD is complete on the date that EPA concurs on or approves and accepts the plans and specifications. For PS-lead RDs, the RD is complete when the state concurs on or approves and accepts the plans and specifications.

S/C-4 Number of Remedial Action (RA) Activities started through Award of Contract at NPL Sites.

Fund-Financed: Sites (as recorded in CERCLIS) where the EPA, a State, the COE or Bureau of Reclamation has awarded a contract to initiate Fund-financed Remedial Action.

PRP-Financed: Sites (as recorded in CERCLIS) where the PRP has begun substantial and continuous physical action, which is equivalent to an EPA contract award, or where the PRP has taken equivalent action with its own work force.

# Office of Solid Waste and Emergency Response
## FY 1992
## Superfund Definitions

S/C-5 Number of Remedial Action Activities Completed at NPL Sites. - An RA is complete when final construction activities are complete, a final inspection has been conducted, the remedy is operational and functional, and the final RA Report for an Operable Unit has been prepared.

S/C-6 Number of NPL Sites that have been completed. - An NPL site is considered complete when the final RA at the site has been completed. The final RA is the action at the last Operable Unit to be completed at the site, and a final construction inspection for the site has been conducted. For the final RA, a Superfund Site Close-Out Report must be prepared which summarizes the site condition land construction activities and demonstrates that the NCP criteria for deletion has been met or that the only activity remaining is performance monitoring (long term response).

S/C-7 Number of Sites Where Activity has Started - Number of NPL sites (Final and Proposed) and where on-site activity has begun. On-site activity is characterized by either a removal action under the direction of EPA or through an: Administrative Order, Consent Decree, or judgment; or implementation of a first RI/FS at the site but not both.

Fund-Financed: A Fund Removal counts toward this target when:
1) The Action Memorandum has been approved by the On-Scene Coordinator (OSC), Regional Administrator (RA), or Assistant Administrator (AA); 2) a contract has been signed for an EPA or U.S. Coast Guard (USCG) on-site removal; 3) an obligation has either been recorded in the Financial Management System (FMS), or has been reported and documented in CERCLIS or when the OSC activates $50,000; 4) there is no current or previous on-site Fund-financed or PRP removal activity; and 5) on-site removal work has begun. The date the on-site work began is the start date for the removal action.

Office of Solid Waste and Emergency Response
FY 1992
Superfund Definitions

PRP-Financed: A Potentially Responsible Party (PRP) Removal counts toward this measure when: 1) there is no current or prior on-site Fund-financed or PRP removal activity; and 2) there is on-site removal activity financed by the PRP in compliance with an Administrative Order (Unilateral or On Consent) or Consent Decree, or judgment. The date the on-site work began as entered in CERCLIS will be considered the start date for the PRP removal. If the PRP does not comply with a Unilateral Order, credit is not given. Where the PRP is in substantial non-compliance, credit will be withdrawn.

Site status (NPL or Non-NPL) will be determined by the status indicated in CERCLIS when accomplishment reports are pulled. A First RI/FS start means that there has been no prior RI/FS activity at that site.

Fund-Financed: A Fund Program RI/FS start is counted when: 1) either a contract has been signed by the Procurement and Contracts Management Division (PCMD), or a Cooperative Agreement has been signed by the Regional Administrator or the official designated by the Regional Administrator to conduct a RI/FS; 2) obligations have been recorded or documented in CERCLIS as of the end of the reporting period; and 3) there is no prior settlement with a PRP for a RI/FS.

The Fund-financed Start is defined as the date of first obligation for a RI/FS at a site; obligations for forward planning activities, community relations planning and/or similar support activities do not constitute a RI/FS start. Fund-financed RI/FS include: Federal (F), State (S), and in-house (EP) lead projects as they are used in the FY 1992 Program Management Manual. The appropriate dates must be recorded in CERCLIS.

PRP-Financed: A PRP lead RI/FS Start occurs when an Administrative Order on Consent is issued, a Unilateral Administrative Order is issued, or a Consent Decree is referred to Headquarters or the Department of Justice (DOJ) for a RI/FS, and there has been no Fund obligation and no previous settlements for: RI, FS, or RI/FS (see above). The start date is defined as the last

signature date by the appropriate official or party (e.g., the RA, DOJ or Headquarters) of a Consent Decree for the PRP to conduct the RI/FS. If the PRPs are performing the RI/FS under a State Order or comparable Enforcement document and the site is covered by a State Enforcement Cooperative Agreement, Superfund Memorandum of Agreement (SMOA), or other EPA/State agreement, credit will be given based on the date the State order is signed by the last appropriate official or party. (If there is a Settlement for Multiple Operable Units, the start date for the first RI/FS would be the last signature date by the appropriate Federal agency or party.) The appropriate dates must be recorded in CERCLIS.

PRP-financed RI/FS's include: Responsible Party (RP), Mixed Funding (MR), and Responsible Party under State order with Federally funded oversight (PS).

A shift between a Fund, or PRP RI/FS, can occur when there has been a Fund obligation, and work has not proceeded beyond the RI/FS Work Plan approval stage. If a PRP takes over a RI/FS before or at this juncture, the RI/FS lead at this site should be changed from the Fund to PRP. If the PRP begins the RI/FS and is subsequently taken over by the Fund the same criteria apply.

S/C-8 Number of RI/FS Projects Nominated as a SITE Program Candidate (Report measure quarterly) A RI/FS project is nominated for the SITE program when the Region sends a memorandum to Headquarters formally submitting the site for consideration as a location for a demonstration project.

S/C-9(a), S/C-9(b) ROD to RD Start and RA Start Duration Trends - The purpose of these measures is to evaluate Regional improvement in managing the timeframe between ROD and the start of both RD and RA. While the ultimate goal is the timeframe in the integrated timeline, progress will be evaluated based on prior year and prior quarter performance during the fiscal year.

S/C-10 Number of Remedies Selected at NPL Sites - A remedy is selected when a Record of Decision (ROD) has been signed by either the Regional Administrator or Assistant Administrator for OSWER, and the appropriate date has been recorded in CERCLIS. The signature date by the RA or AA represents the ROD completion date. Remedies selected include Federal (F) and Federal Enforcement (FE).

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund Enforcement

GOAL: Use Enforcement Authorities to compel PRP participation in the Superfund process.

---

OBJECTIVE: Maximize Responsible Party participation in the RD/RA process through use of Enforcement Tools.

ACTIVITY: Target and report enforcement actions for RD/RA. (The overall target for this activity is the sum of measures S/E-1(a) and S/E-1(b) below. There is a separate target for measure S/E-1(c)).

MEASURE: RD/RA Settlements: Consent Decree Referrals under Section 106, 107 and 122(d) for RD/RA and Unilateral Orders issued under Section 106 for RD/RA that are in Compliance.

STARS CODE: S/E-1(a)
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1995

MEASURE: RD/RA Injunctive Referrals: Referrals, under Section 106 or 106/107, to compel PRPs to conduct RD/RA.

STARS CODE: S/E-1(b)
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1995

MEASURE: Unilateral Administrative Orders Issued: UAOs issued under Section 106 to compel PRPs to conduct RD/RA.

STARS CODE: S/E-1(c)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1995

GOAL: Use Enforcement
the Superfund

OBJECTIVE: Use

ACTIVITY: Repo
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# OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
## FY 1992
## Program Area: Superfund Enforcement

**GOAL:** Use Enforcement Authorities to compel PRP participation in the Superfund process.

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**OBJECTIVE:** Use enforcement tools to compel PRP responses.

**ACTIVITY:** Report enforcement actions to compel PRP response for PRP Search, Removal, RI/FS.

**MEASURE:** Section 104(e) Referrals/Orders: Report the number of Section 104(e)(5) orders or referrals to HQ or DOJ to compel PRPs to reply to information requests.

| | |
|---|---|
| STARS CODE: | S/E-2(a) |
| TARGETED: | N |
| REPORTED ONLY: | Y |
| SUNSET: | 1993 |

**MEASURE:** Enforcement Removal and RI/FS orders: Report Section 104/106 and 122 orders (AOC and UAO) issued by EPA for PRPs to conduct removal actions and RI/FSs.

| | |
|---|---|
| STARS CODE: | S/E-2(b) |
| TARGETED: | N |
| REPORTED ONLY: | Y |
| SUNSET: | 1993 |

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund Enforcement

GOAL: Manage the RD/RA negotiation process within timeframes established under Section 122.

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OBJECTIVE: Conclude RD/RA Negotiations expeditiously.

ACTIVITY: Report on the status of RD/RA Negotiations in order to address the need for continuous improvement relative to prior year performance and the trend towards meeting the goal outlined in the Integrated Timeline.

MEASURE: ROD to RD/RA negotiation completion duration. Report the average duration between ROD and RD/RA negotiation completion, by Region, for all RD/RA negotiations completed or planned for completion in FY 92.

STARS CODE: S/E-3
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund Enforcement

**GOAL:** Maximize cost recovery to the Trust Fund.

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**OBJECTIVE:** Maximize levels of reimbursement of Superfund Trust Fund dollars through an aggressive cost recovery referral program and use administrative cost recovery authorities.

**ACTIVITY:** Target and report Section 107 and Section 106/107 injunctive referrals and settlements for greater than $200,000 in past cost.

**MEASURE:** Section 107 or 106/107 injunctive and settlement referrals: Target Section 107 or 106/107 referrals for cost recovery without settlement and Section 107 or 106/107 settlement referrals for greater than $200,000 in past costs. Credit for settlement referrals is given for only those cases where there has been no previous referral. Where a judicial referral has been targeted and an administrative settlement greater than $200,000 has been achieved, credit will be given on the date of issuance by the Regional Administrator, or for those sites requiring DOJ concurrence pursuant to Section 122(h)(1) of SARA, the date the administrative settlement is transmitted to the Department of Justice for concurrence. Credit is given for each referral and not the number of sites covered by the referral.

| | |
|---|---|
| STARS CODE: | S/E-4 |
| TARGETED: | Y |
| REPORTED ONLY: | N |
| SUNSET: | 1995 |

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund Enforcement

GOAL: Work towards achieving the President's Management by Objective Goal of $300 million for FY 1993.

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OBJECTIVE: Focus Regional attention on the President's FY93 Management by Objective goal of achieving $300 million in cost recovery.

ACTIVITY: Report Regional progress toward meeting the President's Management by Objective (MBO) goal of achieving $300,000,000 in cost recovery in FY 1993.

MEASURE: Report the value of administrative cost recovery settlements (including ADR), cash-out settlements, cost recovery consent decrees (upon lodging), cost recovery judgments, bankruptcy settlements and judgements, penalties assessed, fines collected and PRP oversight bills collected. Credit for administrative settlements in this area will be given when the action is issued or for those sites requiring DOJ concurrence pursuant to Section 122(h)(1) of SARA, when the action is published in the Federal Register for public comment.

STARS CODE: S/E-5
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

# OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
# FY 1992
# Superfund Enforcement Definitions

## S/E - 1(a): RD/RA Settlements

This measure includes all Consent Decree Referrals under Sections 106, 107 and 122(d) for Potentially Responsible Parties (PRPs) to conduct or pay for Remedial Design and/or Remedial Actions (RD/RA). It includes mixed funding and cash out settlements for RD/RA. Credit for the Consent Decree referral is the date on the Regional Administrator's transmittal memo to Headquarters or to the Department of Justice as recorded in CERCLIS. Regions also receive credit for this measure for Unilateral Administrative Orders (UAOs) issued under Section 106 for RD/RA that are in compliance. Credit for UAOs is the date PRPs provide notice of intent to comply with the order as recorded in CERCLIS. (Should a PRP initially comply with a UAO, and later a consent decree is agreed to for the same work, credit will be for the UAO only.)

## S/E - 1(b): RD/RA Injunctive Referrals

This measure includes injunctive referrals, under Section 106 or 106/107, to compel PRPs to conduct RD/RA. Credit for the referral is the date on the Regional Administrator's transmittal memo to Headquarters or to the Department of Justice as recorded in CERCLIS. (Referrals for preliminary relief or penalties do not count toward this measure.)

## S/E - 1(c): Unilateral Administrative Orders Issued for RD/RA

This measure includes Unilateral Administrative Orders (UAOs) issued under Section 106 to compel PRPs to conduct Remedial Design/ Remedial Action. Credit is based on the date the order is issued to the PRPs as recorded in CERCLIS.

## S/E - 2(a): Section 104(e) Referrals and Orders Issued

Report the number of Section 104(e)(5) orders issued or referrals to Headquarters or to the Department of Justice to compel PRPs to comply with information requests. Credit for the referral is the date on the Regional Administrator's transmittal memo to Headquarters or to the Department of Justice as recorded in CERCLIS. Credit for the order is based on the date it is issued by the Region to the PRPs as recorded in CERCLIS. Due to workload considerations, Regions issuing referrals for non-compliance with a 104(e)(5) order will receive credit for both the order and the follow-up referral.

## S/E - 2(b): Removal and RI/FS Administrative Orders

Report Section 104/106/122 administrative orders (AOC and UAO) issued by EPA for PRPs to conduct removal actions and/or RI/FSs. Credit for the order is based on the date it is issued to the PRPs

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Superfund Enforcement Definitions

S/E- 3 ROD to RD/RA Negotiation Completion Duration Trends

The purpose of this measure is to evaluate Regional improvement in managing the RD/RA Negotiation process. While the ultimate goal is the timeframe specified in the Integrated Timeline, progress will be evaluated based on prior year performance and prior quarter performance during the fiscal year. Quarterly performance will be reported based on the average duration between ROD and RD/RA negotiation completion, by Region, for all RD/RA negotiations completed or planned for completion in FY 92 in relation to prior years (FY 90 & FY 91) and prior quarters performance.

S/E - 4: Section 107 or 106 Cost Recovery Injunctive Referrals For Greater Than $200,000 in Past Cost

This measure includes Section 107 or 106/107 injunctive referrals (i.e., without settlement) and 107 or 106/107 settlement referrals for cost recovery where there is greater than $200,000 in past cost for Fund-financed removals, RI/FS, RD or RA. Credit for settlement referrals will be given for only those cases where there has been no previous referral. Credit for the referral is the date on the Regional Administrator's transmittal memo to Headquarters or to the Department of Justice as recorded in CERCLIS. (It is possible for a Region to receive credit for a referral under S/E-1 as well as this measure). Where a judicial referral is targeted and an administrative settlement greater than $200,000 is achieved, credit will be given on the date of issuance or for those sites requiring DOJ concurrence pursuant to Section 122(h)(1) of SARA, the date the administrative settlement is transmitted to the Department of Justice for concurrence. Credit is given for each referral and not the number of sites covered by the referral.

S/E - 5: Cost Recovery Management by Objective Goal

Report the value of administrative cost recovery settlements (including ADR), cash-out settlements for future response costs, cost recovery consent decrees (upon lodging), cost recovery judgments including bankruptcy settlements, bankruptcy judgements and settlements, penalties assessed, fines collected and PRP oversight bills collected. Credit for administrative settlements in this area will be given when the action is issued by the Regional Administrator or for those sites requiring DOJ concurrence pursuant to Section 122(h)(1) of SARA, when the action is published in the Federal Register for public comment.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Superfund

National Program Environmental Indicator

GOAL: Identify progress toward final site cleanup and reduction of acute threats.

ENVIRONMENTAL INDICATOR: Progress through Environmental Indicators

DEFINITION: The Progress through Environmental Indicators reporting measure documents the number of sites where the following types of results have been achieved:

Progress Toward Final Cleanup Goals
Reduction of Acute Threats

Either of these results may be achieved through implementing emergency removal and/or remedial action projects. Results are reported for each of the media affected at a site. These media include contaminated land, surface water, and groundwater.

Progress toward final cleanup goals applies where the cleanup actions taken will not require further action for the wastes addressed. This progress is reported as Media Clean, part of Media Clean, and Media Cleanup Underway. Reduction of acute threats applies where the action taken will require additional action for the wastes addressed or where the action taken reduces exposures but does not treat, remove or contain contaminated materials.

DATA SOURCE: The data will be collected by HQ from regional site managers.

Office of Solid Waste and Emergency Response
FY 1992
Program Area: Chemical Emergency Preparedness and Prevention Office

GOAL: To prevent accidental chemical releases and to minimize the consequences should they occur.

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OBJECTIVE: To improve State/Tribal/local chemical emergency preparedness and enhance their response capability.

ACTIVITY: Technical assistance and training activities

MEASURE: Report and describe technical assistance and training activities which EPA conducted, sponsored, developed, assisted in developing, participated in, or presented.

STARS CODE: CEP-1
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1991

ACTIVITY: State, Tribal or local exercises or after incident evaluations

MEASURE: Report on number of State, Tribal or local exercises or after incident evaluations in which EPA conducted, sponsored, assisted in developing or participated.

STARS CODE: CEP-2
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1991

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Chemical Emergency Preparedness and Prevention Office

GOAL: To prevent accidental chemical releases and to minimize the consequences should they occur.

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OBJECTIVE: Develop the foundation for Regional chemical accident prevention program which will minimize the magnitude of chemical releases and enhance safety practices and procedures.

ACTIVITY: Accidental Release Information Program questionnaires

MEASURE: Report number of Accidental Release Information Program (ARIP) questionnaires sent to and returned by facilities having releases.

STARS CODE: CEP-3
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1991

ACTIVITY: Chemical safety audits

MEASURE: Report on number of chemical safety audits conducted.

STARS CODE: CEP-4
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1991

# OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
# FY 1992
# Chemical Emergency Preparedness and Prevention Definitions

## CEP-1 TECHNICAL ASSISTANCE

The provision of expertise to improve preparedness capabilities and to stimulate initiatives taken by SERCs, LEPCs, and labor, environmental, trade and professional organizations to prevent accidental releases of chemicals. It includes both consultation (in the field with the recipient), workshops, or other means. It does not include formal training courses; the provision of equipment, telephone conversations, except where the assistance involves a series of lengthy calls and written material is prepared or provided as a follow-up to the call; or update reports provided at conferences or meetings.

This assistance includes, but is not limited to:

- Assistance in organizing, developing, and implementing preparedness, prevention, or community right-to-know programs and activities;
- Assistance in organizing and conducting CEPP-related workshops;
- Assistance in development and review of emergency plans (including hazards analysis);
- Assistance in information management or risk communication;
- Assistance in development of haz-mat teams;
- Assistance in dispersion modeling and air-monitoring;
- Assistance in evaluation or installation of alarm/alerting systems;
- Assistance in developing and conducting projects for enhancing chemical process safety;
- Assistance in projects which increase the integration or preparedness efforts and response activities such as participation in a multi-party local planning/response team, such as EPA, Coast Guard and local industry;
- Assistance in projects which enhance capabilities of SERCs/LEPCs which are not fully functioning such as a review of an LEPC, followed by the assistance described above.

## TRAINING ACTIVITIES

Formal educational presentations using instructional materials and techniques. In-house EPA training for EPA employees or EPA contractors will not count towards meeting this measure. In order to meet this measure, EPA must have developed and/or presented the training activity. The term "EPA" refers to the CEPP office.

Office of Solid Waste and Emergency Response
FY 1992
Chemical Emergency Preparedness and Prevention Definitions

## CEP-2 SIMULATION EXERCISES

Table-top, full field, or functional exercises conducted to test or evaluate a contingency plan. Regions are expected to provide technical or programmatic assistance to States or communities to develop the exercise and/or to actively participate in the exercise (e.g. exercise leader, evaluator, facilitator). Exercise development should include EPA involvement throughout the planning process for the exercise. Providing a copy of guidance material does not constitute fulfillment of this requirement. The Region must write a post-exercise report describing the assistance provided and/or participation in the exercise and the outcome of the exercise. This report should be held in the Regional Office and made available for Regional reviews. Regional assistance or participation in testing an internal EPA plan will not count towards meeting this measure. After incident evaluations are EPA and local or EPA, State and local analyses of the preparedness and response capabilities of a local community for a chemical accident. To meet this measure, Regions should conduct the analyses with local or with State and local community involvement.

## CEP-3 ACCIDENTAL RELEASE INFORMATION PROGRAM

Program designed:

a) To focus high-level management attention of facilities having repeated or "serious" releases, which may stimulate them to undertake prevention initiatives on their own; and

b) To provide EPA with accurate information on the causes of releases and the activities currently underway in the private sector to prevent them from occurring.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Chemical Emergency Preparedness and Prevention Definitions

TRIGGERED RELEASES

The Accidental Release Information Program (ARIP) is focusing on releases wich are "serious". Currently, the criteria or triggers being utilized to identify "serious" releases are:

- Starting with the fourth release and ending with the tenth release in a twelve-month period.
- A release greater than 1,000 lbs. for hazardous substances having RQs = 1, 10, or 100 lbs. or a release of 10,000 lbs. for hazardous substances having RQs = 1,000 or 5,000 lbs.
- Any release resulting in death, injury, or severe environmental damage.
- A release of an extremely hazardous substance above the RQ.

LETTERS/QUESTIONNAIRES

Once a facility has met a trigger, the Region is required to draft a letter combining the authorities of CERCLA, SARA, CAA, and RCRA, send it to the plant manager, along with the questionnaire EPA has developed. A copy of the response must be sent to Headquarters.

CEP-4 ON-SITE CHEMICAL SAFETY AUDIT

An on-site review of a particular process/handling and management operations at a site from a chemical process safety standpoint and includes the preparation of and submittal to Headquarters of a final report of the on-site review. It is an audit of safety procedures, facility, equipment, training and contingency planning, as well as management commitment.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: CERCLA/EPCRA ENFORCEMENT

GOAL: Increase compliance with EPCRA §§302,303, 304, 311, and 312 and CERCLA §103

OBJECTIVE: Achieve and maintain a high level of compliance with EPCRA sections 302, 303, 304, 311, and 312 and CERCLA section 103.

ACTIVITY: Investigations. Report the number of:

MEASURE: EPA facility compliance investigations of possible violations of CERCLA §103 and EPCRA §§302, 303, 304, 311, and 312*.

STARS CODE: C/E-1
TARGETED: Y
REPORT ONLY: N
SUNSET: 1991

ACTIVITY: Penalty Enforcement Actions. Report the number of:

MEASURE: Administrative complaints referred to Office of Regional Counsel.

STARS CODE: C/E-2
TARGETED: Y
REPORT ONLY: N
SUNSET: 1991

ACTIVITY: Non-Penalty Actions. Report the number of:

MEASURE: Administrative Orders for violations of EPCRA §§302 and 303 issued.

STARS CODE: C/E-3
TARGETED: N
REPORT ONLY: Y
SUNSET: 1991

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
CERCLA/EPCRA Enforcement Definitions

## C/E-1 INVESTIGATIONS

Investigation means any follow-up inquiries, such as information request letters, on-site reviews or inspections to verify a facility's compliance with EPCRA and CERCLA §103 and which could produce evidence upon which a complaint could be based. A phone call will generally not be considered an investigation.

## C/E-2 PENALTY ENFORCEMENT ACTIONS

Referred means that the administrative complaint being submitted to the Office of Regional Counsel is in near final form, that all evidence supporting the counts alleged in the complaint be documented in the case file, that all penalty calculations be documented in the case file, and that a memorandum be sent from the division requesting ORC review of the complaint.

**OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE**
**FY 1992**
**Program Area: Chemical Emergency Preparedness and Prevention**

**National Program Environmental Indicator**

**GOAL:** Establish the necessary safety culture and mechanisms for achieving the safe management of chemical hazards through national consensus on, and increased use of appropriate, best available, innovative technology, and appropriate management and prevention practices by chemical handlers.

**ENVIRONMENTAL INDICATOR:** Reduction in the number and/or severity of accidental releases of hazardous substances that have a negative impact on human health and the environment.

**DEFINITION:** "Accidental releases" of hazardous substances (as regulated under CERCLA Section 103, and under CAA Section 301) refers to accidents that are severely damaging, large, or frequent. "Negative impact on human health" refers to the loss of life, serious injuries in the community, and/or catastrophic impacts on the environment (e.g., damage to property, natural resources, or both, amounting to $100 million or more).

**DATA SOURCE:** Accidental Release Information Program (ARIP) data collection, as well as other data systems, will be evaluated as a starting point in the development of an indicator that reflects the number and/or severity of accidental releases. Also, the Chemical Accident Prevention Advisory Committee has established a subcommittee to evaluate measures of success for prevention practices and programs.

## Appendix I

## OFFICE OF SOLID WASTE
## FY 1992
## RCRA Subtitle C: Stars Overview

This year the RIP sets forth the concept of a Strategic Management Framework that encompasses hazardous waste permitting and corrective action activities, as well as program management activities. The Framework has two key components, environmental priority ranking for all RCRA facilities, and at priority facilities, choosing activities and documenting those choices. The Strategic Management Framework identifies limited national priority activities and allows Regions/States flexibility to accommodate both the national priority activities and other local priorities. In this Framework, EPA and States must define challenging reachable goals and be accountable for chosen activities.

STARS is a key component of the Strategic Management Framework in that it reflects national priority activities while maintaining its fundamental role of program accountability. STARS measures have been restructured to track implementation of high priority activities that are key to demonstrating progress in the program. Two new measures (one targeted, one non-targeted) directly address priority setting for facilities. Many of the other STARS measures track performance of high priority permitting, closure, and corrective action activities at facilities identified through the priority setting process as high priority. The remaining STARS measures address high priority program management activities such as State authorization and RCRIS implementation. Several of the new reporting measures and targeted measures will require data source development.

## OFFICE OF SOLID WASTE
## FY 1992
## RCRA Subtitle C: Permitting and Closure

**Goal:** Implement appropriate permitting and closure activities at high priority RCRA facilities.

**OBJECTIVE:** Track permitting and closure activity at facilities subject to RCRA Subtitle C

**ACTIVITY:** Track operating permit final determinations and permit modifications at RCRA TSDFs.

**MEASURE:** Number of RCRA TSDFs to receive operating permit final determinations during fiscal year.

STARS CODE: R/C-1a
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/92

**MEASURE:** Number of RCRA TSDFs to receive permit modification approval or denial during fiscal year.

STARS CODE: R/C-1b
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/92

**ACTIVITY:** Track progress of closure activity at RCRA TSDFs

**MEASURE:** Number of RCRA TSDFs to receive closure plan approval during fiscal year.

STARS CODE: R/C-2a
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/92

**MEASURE:** Number of RCRA TSDFs to certify closure during fiscal year.

STARS CODE: R/C-2b
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/92

**ACTIVITY:** Track progress of Post-Closure permitting activity at closed Land Disposal units at RCRA TSDFs

**MEASURE:** Number of Post-Closure Part B applications called in

STARS CODE: R/C-3a
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/92

**MEASURE:** Number of Public Notices of intent to approve/ deny Post-Closure Part B applications

STARS CODE: R/C-3b
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/92

**MEASURE:** Number of Post-Closure permit final determinations

STARS CODE: R/C-3c
TARGETED: YES
REPORT ONLY: NO
SUNSET: 2/92

**ACTIVITY:** Ranking RCRA facilities for environmental priority

**MEASURE:** Number of TSDFs ranked for environmental priority

STARS CODE: R/C-4
TARGETED: YES
REPORT ONLY: NO
SUNSET: 2/92

**ACTIVITY:** Addressing Boilers and Industrial Furnaces

**MEASURE:** Number of completed Technical Reviews of BIF Pre-Compliance and BIF Compliance Certifications

STARS CODE: R/C-5
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/92

## OFFICE OF SOLID WASTE
## FY 1992
## RCRA Subtitle C: Permitting And Closure Definitions

Facilities new to RCRA as a result of the Toxicity Characteristics (TC) rule, the Boiler and Industrial Furnace rule (BIF) or other new rules will be identified as such in the data systems (data structures to be developed in HWDMS/RCRIS).

**R/C-1a**

Number of RCRA TSDFs to receive operating permit final determinations during fiscal year. Count only one permit per facility per date. A single permit covering multiple processes (e.g., land disposal and storage and treatment) at a single facility will be counted only once. Facilities receiving two permits, each on separate dates, will be counted twice.

**R/C-1b**

Number of RCRA TSDFs to receive permit modification approval or denial during fiscal year. Count only one permit modification per facility per date. A single permit modification covering multiple processes (e.g., land disposal and storage and treatment) at a single facility will be counted only once. Facilities receiving two separate permit modifications, each on separate dates, will be counted twice.

**R/C-2a**

Number of RCRA TSDFs to receive closure plan approval during fiscal year. Count only one closure plan approval per facility per date. A single closure plan covering multiple processes (e.g., land disposal and storage and treatment) at a single facility will be counted only once. Facilities receiving two closure plan approvals, each on separate dates, will be counted twice.

**R/C-2b**

Number of RCRA TSDFs to certify closure during fiscal year. Count only one closure certification per facility per date or count only one closure certification per unit per facility per date.

R/C-3a

Number of RCRA TSDFs Post-Closure applications received and under review during fiscal year. Count only one Post-Closure application received and under review per facility per date. Facilities with two separate Post-Closure applications received and under review, each on separate dates, will be counted twice.

R/C-3b

Number of RCRA TSDFs Public Notices of intent to approve/deny Post-Closure Part B applications during fiscal year. Count only one Public Notice of intent to approve/deny Post-Closure Part B applications per facility per date. Facilities with two separate Public Notices of intent to approve/deny Post-Closure Part B applications, each on separate dates, will be counted twice.

R/C-3c

Number of RCRA TSDFs Post-Closure Part B permit determinations made during fiscal year. Count only one Post-Closure Part B permit determination during fiscal year per facility per date. Facilities with two separate Post-Closure Part B permit determinations during the fiscal year, each on separate dates, will be counted twice.

R/C-4

Number of RCRA facilities prioritized during fiscal year for their overall environmental priority. A facility will be considered to be "prioritized" once it has been evaluated for its environmental significance and for its environmental benefits and other considerations and assigned a high, medium or low ranking. Data source to be developed in HWDMS/RCRIS.

R/C-5

Number of BIF pre-compliance certification technical reviews completed. Count only one per facility. Number of BIF compliance certification technical reviews completed. (One facility may have both pre-compliance and compliance certifications.)

## OFFICE OF SOLID WASTE
## FY 1992
## RCRA Subtitle C: Corrective Action

**Goal:** Implement appropriate cleanup activities at high priority corrective action facilities.

**OBJECTIVE:** Track progress of corrective action activity at facilities subject to RCRA Subtitle C

**ACTIVITY:** Track progress of facilities through the corrective action pipeline's three targeted stages

**MEASURE:** STAGE I: Information collection and study at High Priority Pipeline Facilities

STARS CODE: R/J-1a
TARGETED: YES
REPORT ONLY: NO
SUNSET: 2/92

**MEASURE:** STAGE II: Remedy development and selection at High Priority Pipeline Facilities

STARS CODE: R/J-1b
TARGETED: YES
REPORT ONLY: NO
SUNSET: 2/92

**MEASURE:** STAGE III: Remedy implementation at high priority pipeline facilities

STARS CODE: R/J-1c
TARGETED: YES
REPORT ONLY: NO
SUNSET: 2/92

**ACTIVITY:** Track progress toward completing key activities in the corrective action program

**MEASURE:** Number of TSDFs prioritized under NCAPS

STARS CODE: R/J-2a
TARGETED: YES
REPORT ONLY: NO
SUNSET: 2/92

| | | | |
|---|---|---|---|
| **MEASURE:** | Number of EPI Preliminary Assessments completed at RCRA TSDFs | STARS CODE:<br>TARGETED:<br>REPORT ONLY:<br>SUNSET: | R/J-2b<br>YES<br>NO<br>2/92 |
| **MEASURE:** | Number of RFIs imposed requiring early data collection for stabilization decisions (at high priority facilities) | STARS CODE:<br>TARGETED:<br>REPORT ONLY:<br>SUNSET: | R/J-2c<br>NO<br>YES<br>2/92 |
| **MEASURE:** | RCRA facilities evaluated for stabilization measures | STARS CODE:<br>TARGETED:<br>REPORT ONLY:<br>SUNSET: | R/J-2d<br>YES<br>NO<br>2/92 |
| **MEASURE:** | Number of facilities with stabilization implemented (underway) | STARS CODE:<br>TARGETED:<br>REPORT ONLY:<br>SUNSET: | R/J-2e<br>NO<br>YES<br>2/92 |

## OFFICE OF SOLID WASTE
## FY 1992
## RCRA Subtitle C: Corrective Action Definitions

R/J-1a

Stage I: Information collection and study at high priority pipeline facilities. Consider the following activities to be part of this stage of the corrective action process: RFI Workplan Approved, RFI completed. This measure will count the number of facilities which have moved into this stage for the first time. Facilities should only move into this stage if they are not feasible candidates for stabilization and are still of high corrective action priority OR stabilization is underway but the facility must continue through to final remedy for other acceptable reasons.

R/J-1b

Stage II: Remedy development and selection at high priority pipeline facilities. Consider the following activities to be part of this stage of the corrective action process: CMS Workplan Approved, CMS Completed, Remedy Selected, Corrective Measures Design Approved. Count facilities which have moved into this stage of the process for the first time. Facilities should only move into this stage if they are not feasible candidates for stabilization and are still of high corrective action priority OR stabilization is underway but the facility must continue through to final remedy for other acceptable reasons.

R/J-1c

Stage III: Remedy implementation at high priority pipeline facilities. Consider the following activities to be part of this stage of the corrective action process: Corrective Measures Implementation Workplan Approved, Corrective Measures Implementation Completed. Count facilities which have moved into this stage of the process for the first time. Facilities should only move into this stage if they are not feasible candidates for stabilization and are still of high corrective action priority OR stabilization is underway but the facility must continue through to final remedy for other acceptable reasons.

R/J-2a

Number of treatment, storage and disposal facilities ranked for environmental significance using the National Corrective Action Prioritization System (NCAPS).

R/J-2b

Number of RCRA facilities to receive EPI Preliminary Assessments (PAs) during fiscal year. Count only one PA per facility.

R/J-2c

Number of RFIs imposed (for high priority facilities) that require early/up-front data collection to determine if the facilities are candidates for stabilization actions.

R/J-2d

Number of facilities that have been determined to be amenable to emergency or control type stabilization. We expect emphasis to be on measures taken to reduce imminent threats to human health and the environment and/or to prevent or minimize further spread of contamination.

R/J-2e

Number of facilities that have initiated stabilization measures during the fiscal year.

## OFFICE OF SOLID WASTE
## FY 1992
## RCRA Subtitle C: Program Management

**GOAL:** Complete activities essential to the general operation and effectiveness of the RCRA program.

**OBJECTIVE:** Track progress of program management activity implementation

**ACTIVITY:** Track progress of State and Regional implementation of RCRIS according to national schedule

**MEASURE:** Number of States in each Region whose data is being pulled directly from RCRIS

STARS CODE: R/PM-1
TARGETED: YES
REPORT ONLY: NO
SUNSET: 2/92

**ACTIVITY:** Track progress of State Authorization for RCRA Subtitle C

**MEASURE:** Progress in getting States authorized for the RCRA Subtitle C program

STARS CODE: R/PM-2
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/92

## OFFICE OF SOLID WASTE
## FY 1992
## RCRA Subtitle C: Program Management Definitions

**R/PM-1** Number of States within each Region whose data is being pulled directly from RCRIS.

The number of States with all RCRA data in RCRIS.

**R/PM-2** Progress in getting States authorized for the RCRA Subtitle C program

The number of rules the States in the Region are authorized for as compared to the total number of non-optional rules that they should be authorized for in accordance with national cluster deadlines. In addition to reporting the actual number of rules authorized, also report as a percentage the total number of rules authorized vs. the total number of non-optional rules that are required to be authorized. Data source: State Authorization Tracking System (STATS).

## OFFICE OF SOLID WASTE
## FY 1992
## Program Area: Municipal Solid Waste Program

**GOAL:** To facilitate State implementation of MSWLF criteria; to enhance markets development.

**OBJECTIVE:** Track progress of implementation of statutory requirements for Subtitle D.

**ACTIVITY:** Submittal of State application for determination of adequacy of State MSWLF permit program.

**MEASURE:** Number of States submitting applications for determination of adequacy under Section 3.

STARS CODE: R/D-1a
TARGETED: NO
REPORTED ONLY: YES
SUNSET: 2/92

**ACTIVITY:** Regional determination of adequacy of State permit program.

**MEASURE:** Number of Regional determinations of adequacy completed (include both determinations of adequacy and determinations of inadequacy).

STARS CODE: R/D-1b
TARGETED: NO
REPORTED ONLY: YES
SUNSET: 2/92

**ACTIVITY:** Implementation of EPA procurement guidelines under RCRA Section 6002 and 40 CFR Part 250.

**MEASURE:** Report on development of procurement implementation plan

STARS CODE: R/D-1c
TARGETED: NO
REPORTED ONLY: YES
SUNSET: 2/92

# OFFICE OF SOLID WASTE
# FY 1992
# Municipal Solid Waste Program Definitions

**R/D-1a**

**Number of States submitting complete applications for determination of adequacy.**

**R/D-1b**

**Number of determinations Region publishes in the Federal Register; report number of determinations by adequate and inadequate.**

**R/D-1c**

**Report when procurement implementation plan developed.**

## OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: RCRA Enforcement

GOAL: To ensure compliance monitoring and enforcement.

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OBJECTIVE: Improved compliance of hazardous waste handling with RCRA requirements.

ACTIVITY: Inspections

MEASURE: Target and report, year-to-date, the number of Land Disposal facilities that have received an inspection in FY 92. (Combined EPA/State target).

STARS CODE: R/E-1a
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1993

MEASURE: Target and report, year-to-date, the number of treatment or storage facilities, other than land disposal facilities, that have received an inspection in FY 92. (Combined EPA/State target).

STARS CODE: R/E-1b
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1993

MEASURE: Target and report, year-to-date, the number of Federal, State and local government TSDs (including Land Disposal) that received an inspection in FY 92. (Combined EPA/State target).

STARS CODE: R/E-1c
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1993

MEASURE: Report, year-to-date, the number of hazardous waste generators that have received an inspection in FY 92. (Combined EPA/State numbers).

STARS CODE: R/E-1d
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: RCRA Enforcement

GOAL: To ensure compliance monitoring and enforcement.

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OBJECTIVE: Ensure that timely and appropriate enforcement action is taken against SNCs.

ACTIVITY: Identify and Address Significant Noncompliance

MEASURE: Of the SNCs (all handlers that are High Priority Violators) at this point in time, report the number of handlers that have been addressed by a formal enforcement action, but have not returned to physical compliance.

STARS CODE: R/E-2a
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

MEASURE: Of the SNCs (all handlers that are High Priority Violators) at this point in time, report the number of handlers that have not had a formal enforcement action (to address all violations causing the facility to be in SNC) within 135 days of an inspection, record review or other compliance monitoring event in which significant non-compliance was detected.

STARS CODE: R/E-2b
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

OBJECTIVE: Ensure that SNCs return to full physical compliance.

ACTIVITY: Return to Compliance

MEASURE: Of the SNCs in existence as of October 1, 1991 (as a result of an inspection, record review, etc. conducted prior to October 1, 1988), report the number of handlers that have returned to compliance without formal enforcement action.

STARS CODE: R/E-3a
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

MEASURE: Report the number of SNCs in existence as of October 1, 1991 (as a result of an inspection conducted prior to October 1, 1988), that have had formal actions and have returned to compliance with all violations which caused them to be in SNC.

STARS CODE: R/E-3b
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

**MEASURE:** Report the number of SNCs in existence as of October 1, 1991 (as a result of an inspection, record review, etc. conducted prior to October 1, 1988), that are currently undergoing legal proceedings (i.e. ALJ/CJO hearings) or are in compliance with their schedules.

STARS CODE: R/E-3c
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

**ACTIVITY:** Enforcement Actions

**MEASURE:** Report the number of formal administrative actions issued year-to-date (including 3008(a), 3008(h), 3013 and 7003).

STARS CODE: R/E-4a
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1993

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
RCRA Enforcement Definitions

R/E-1(a) Inspections: In FY 92, inspection requirements for Land Disposal Facilities will be modified to allow greater flexibility in setting targets. Those operating, permitted, or closing land disposal facilities (except Underground Injection Control (UIC) facilities) that have no outstanding Class I violations as of July 1, 1991, that are not Federal, State or local facilities and received an inspection during FY 91 are not required to be inspected during FY 92. LDFs not inspected in FY 91 must be inspected the following year. Closed LDFs must be inspected at least every other year, except those clean-closed by removal. Federal, State and local (FSLs) LDFs must receive annual inspections. This measure is intended to evaluate whether these facilities have been addressed with a full compliance inspection under RCRA Sections 3007(c), (d), and (e). Inspections to be counted are Compliance Evaluation Inspections (CEIs).

R/E-1(b) Inspections: All Treatment and Storage Facilities (TSFs owned/operated by Federal/State/local entities, commercial TSFs and all incinerators) must be inspected in FY 1992. In addition, inspections must be conducted at TSFs not inspected in FY 91. Inspections to be counted are Compliance Evaluation Inspections (CEIs).

R/E-1(c) Federal, State and local TSDs: These numbers are a subset of the numbers targeted and reported in (a) and (b). Thus Federal, State and local facilities are counted both in (c) and in (a) and (b). State inspections of State and local facilities will not be counted toward this target.

R/E-2(a) In this measure, SNCs are all handlers that are High Priority Violators (HPVs), including Treatment, Storage, Disposal facilities, Transporters, Generators, Non-Notifiers identified as HPVs during Fy 92. This measure is the number of handlers that have been addressed by a formal enforcement action, but have not returned to full physical compliance.

R/E-2(b) This measure is all SNCs that have not had a formal enforcement action within 135 days of an inspection, record review or other compliance monitoring event. It is a combination of the R/E-2(a) - (c) measures from the FY 91 AOG.

R/E-3(a) Of the SNCs in existence as of October 1, 1991 (as a result of an inspection, record review, or other compliance monitoring event conducted prior to October 1, 1988), report the number of handlers that have returned to compliance without formal enforcement action.

R/E-3(b) This measure reports the number of SNCs in existence as of October 1, 1991 (as a result of an inspection, record review, or other compliance monitoring event conducted prior to October 1, 1988), that have had formal actions and have returned to compliance with all violations which caused them to be in SNC.

R/E-3(c) This measure reports the number of SNCs in existence as of October 1, 1991 (as a result of an inspection, record review, or other compliance monitoring event conducted prior to October 1, 1988), that are currently undergoing legal proceedings (i.e. ALJ/CJO hearings) or are in compliance with their schedules.

R/E-4(a) This measure reports the number of formal administrative actions issued year-to-date (including 3008(a), 3008(h), 3013, and 7003). Note: this measure is a combination of R/E-5(a) and (b) from the FY 91 AOG.

OFFICE SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
PROGRAM AREA: UNDERGROUND STORAGE TANKS

GOAL: Regulate underground storage tanks

---

OBJECTIVE: Support development of, and review and decide on, UST state program applications, in order to both encourage state-run programs and ensure adequate national consistency.

ACTIVITY: State Program Approval

MEASURE: Number of states submitting complete applications for state program approval.

STARS CODE: UST-1(a)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1992

MEASURE: Number of states with authorized programs.

STARS CODE: UST-1(b)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1992

OBJECTIVE: Promote the cleanup of pollution resulting from leaking underground storage tanks.

ACTIVITY: Clean up leaking USTs

MEASURE: Number of site cleanups for petroleum releases initiated, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money).

STARS CODE: UST-2(a)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1992

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Program Area: Underground Storage Tanks

GOAL: Regulate underground storage tanks.

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MEASURE: Number of petroleum releases under control, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money).

STARS CODE: UST-2(b)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1992

MEASURE: Number of site cleanups for petroleum releases completed, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money).

STARS CODE: UST-2(c)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1992

OBJECTIVE: Prevent and mitigate pollution from occurring in new and existing USTs through the use of leak detection technologies.

ACTIVITY: Leak Detection Compliance

MEASURE: Number of states promoting compliance with the federal leak detection requirements via outreach and information dissemination during FY 92.

STARS CODE: UST-3(a)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1992

MEASURE: Number of facilities in compliance with the federal leak detection requirements.

STARS CODE: UST-3(b)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1992

# OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
## FY 1992
## Underground Storage Tanks Definitions

UST-1(a) Number of states submitting complete applications for state program approval - The state has submitted an application for program approval and the Region has determined that the application is "complete" in accordance with the application components required by the regulations. Information reported should indicate whether the state application is for a partial program (either petroleum or chemical USTs) or a complete program (both petroleum and chemical USTs). Quarter 2,3, and 4 are reported cumulatively.

UST-1(b) Number of states with authorized programs - The state program has been approved by the Regional Administrator according to the regulations to operate in lieu of the federal program. This measure includes interim authorizations. Information reported should indicate whether the state programs authorization is for a partial program (either petroleum or chemical USTs) or a complete program (both petroleum and chemical USTs). Quarters 2,3, and 4 are reported cumulatively.

UST-2(a) Number of site cleanups for petroleum releases initiated, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money) - The total number or specific sites at which the state or responsible party under its supervision has initiated management of petroleum-contaminated soil, OR removal of free petroleum product, OR management or treatment of dissolved petroleum contamination caused by a release from an UST. Site investigations and emergency responses do not qualify as cleanup actions. Report responsible-party lead, state lead with Trust Fund money, and state lead with no Trust Fund money cleanups separately. This measure includes all cleanups initiated by a state, whether involving federal funds under a LUST Trust Fund cooperative agreement or involving only state funds. (This is a cumulative measure. The number in the first quarter of FY 1992 should include those sites with actions initiated in FY 1988, FY 1989, FY 1990, FY 1991.)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Underground Storage Tank Definitions

UST-2(b) Number of petroleum releases under control, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money) - The total number of petroleum releases from an UST at which the state or responsible party under state supervision has performed ALL the following tasks: 1) stopping the flow of free product into the environment; 2) mitigating any fire and safety hazards (e.g., abating dangerous levels of fumes in basements of homes and other effected buildings); 3) managing contaminated soils as directed by the state; 4) determining the presence of free product floating on the water table and beginning removal of it according to a plan submitted to the state; and 5) determining whether drinking water supplies are contaminated and assuring that alternative supplies of portable water are available when the state determines that the water supplies should not be used. Report responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money cleanups separately. This measure includes all releases under control by a state, whether involving federal funds under a LUST Trust Fund cooperative agreement or involving only state funds. (This is a cumulative measure. The number in the first quarter of FY 1992 should include those sites with action complete in FY 1988, FY 1989, FY 1990, and FY 1991.)

UST-2(c) Number of site cleanups for petroleum releases completed, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money) - This means the total number of specific sites of a petroleum release from an UST at which the state has determined that no further cleanup actions are necessary at the site. Report responsible party lead, state lead with Trust Fund money, and state lead completed by a state, whether involving federal funds under a LUST Trust Fund cooperative agreement or involving only state funds. (This is a cumulative measure. The number in the first quarter of FY 1992 should include those sites with cleanups completed prior to FY 1992.)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1992
Underground Storage Tanks Definitions

UST-3 LEAK DETECTION COMPLIANCE

UST-3(a) Number of States promoting compliance with the Federal leak detection requirements via outreach and information dissemination during FY 92. The State sought compliance with the Federal leak detection rules through outreach efforts to educate owners and operators of UST facilities. The State took responsibility to disseminate information to the regulated community to assist them in complying with Federal and State regulations.

UST-3(b) Total number of facilities brought into compliance with the Federal leak detection requirements by States and Regions. The sum efforts of States and EPA to bring UST facilities into compliance with the Federal leak detection requirements. Actions taken by States which enforce the Federal rule or their own no less stringent regulations count towards this total as well as activities conducted by EPA Regions to bring owners' and operators' facilities into compliance. Efforts to achieve compliance include: outreach and information dissemination; requests to submit verification of compliance; inspections; and informal/formal enforcement proceedings. A facility can only be counted in compliance if a record to attest to this fact is kept at EPA, state, or local agencies. (This is a cumulative measure. Numbers reported after the first quarter should include the total from the previous quarter.)

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticides

GOAL: Risk Reduction

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OBJECTIVE: Protect health and the environment from any unreasonable effects from pesticides currently in use.

ACTIVITY:

MEASURE: Establishment of __ comprehensive data requirements in data call ins.

STARS CODE: P-1
TARGETED:Q 1,2,3,4
REPORTED ONLY: N
SUNSET: N

OBJECTIVE: Restrict or ban the use of pesticides posing unreasonable effects to human health and the environment.

ACTIVITY:

MEASURE: Publication of __ reregistration eligibility documents or "other appropriate regulatory actions".

STARS CODE: P-2
TARGETED: Q 1,2,3,4
REPORTED ONLY: N
SUNSET: N

MEASURE: Product specific reregistration (A determination that a pesticide meets the requirements of section 3(c)(5).) [This step doesn't take place until up to 14 months after the determination of eligibility for reregistration.]

STARS CODE: P-3
TARGETED: Q 1,2,3,4
REPORTED ONLY: N
SUNSET: N

MEASURE: Complete __ Special Review Decisions.

STARS CODE: P-4
TARGETED: Q 1,2,3,4
REPORTED ONLY: N
SUNSET: N

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticides

GOAL: Risk Reduction

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OBJECTIVE: Prevent unreasonable risks from pesticide active ingredients and products and encourage use of safer products

ACTIVITY: Complete final decisions on new active ingredients and applications for registration in a timely manner and report on the overdue active ingredients and applications.

MEASURE: New Active Ingredients (New Chemicals/New Biochemicals/Microbiological Reviews): __

STARS CODE: P-5A
TARGETED: Q 1,2,3,4
REPORTED ONLY: N
SUNSET: N

MEASURE: Old Chemical Applications: _____

STARS CODE: P-5B
TARGETED: Q 1,2,3,4
REPORTED ONLY: N
SUNSET: N

MEASURE: Amended Registration Applications: _____

STARS CODE: P-5C
TARGETED: Q 1,2,3,4
REPORTED ONLY: N
SUNSET: N

MEASURE: New Use Applications: ___

STARS CODE: P-5D
TARGETED: Q 1,2,3,4
REPORTED ONLY: N
SUNSET: N

**GOAL: Risk Reduction**

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**MEASURE:** Complete final decisions on ___ Emergency Exemptions. [NOTE:These may vary based on the number of petitions and exemptions received by the EPA. The Office of Pollution Prevention will compare the number of petitions and exemptions actually processed each quarter with the number administratively targeted to be processed.]

STARS CODE: P-6
TARGETED: Q 1,2,3,4
REPORTED ONLY: N
SUNSET: N

**MEASURE:** Process __ final decisions on tolerance petitions within quarterly targets and report on the backlog of overdue petitions. (See above note for Emergency Exemptions)

STARS CODE: P-7
TARGETED: Q 1,2,3,4
REPORTED ONLY: N
SUNSET: N

**MEASURE:** Worker Protection

STARS CODE: P-8A
TARGETED: Q 1,2,3,4
REPORTED ONLY: Y
SUNSET: Y

**MEASURE:** Groundwater

STARS CODE: P-8B
TARGETED: Q 1,2,3,4
REPORTED ONLY: Y
SUNSET: Y

**MEASURE:** Endangered Species

STARS CODE: P-8C
TARGETED: Q 1,2,3,4
REPORTED ONLY: Y
SUNSET: Y

# OFFICE OF PESTICIDE PROGRAMS

# FY 1992 DEFINITIONS

# FOR THE

# STRATEGICALLY TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticides

GOAL: Risk Reduction

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## DEFINITIONS FOR THE OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Definitions of key terms and detailed quarterly commitments for the Pesticide and Toxic Substances Programs follow.

### OFFICE OF PESTICIDE PROGRAMS

P-1 Establishment of comprehensive data requirements in data call ins.

Comprehensive data requirements will be developed for chemical cases:

List A consists of pesticide active ingredients for which Registration Standards have been issued as of December 24, 1988; and the other three lists (Lists B, C, and D) are to include all other active ingredients contained in a product first registered before November 1, 1984, for which Registration Standards have not been issued.

Reregistration of these chemical cases will be accomplished in the following phases:

Phase 1: EPA is required to publish lists of pesticide active ingredients subject to reregistration and to ask registrants of pesticide products containing those active ingredients whether they intend to seek reregistration.

Phase 2: Registrants inform EPA of intent to seek reregistration, comply with data requirements and pay first portions of reregistration fee.

Phase 3: Registrants submit required existing studies and pay final reregistration fee.

Phase 4: Independent EPA review of registrant submissions and identification and call in of any additional data requirements.

Phase 5: EPA conducts reregistration review of each active ingredient and takes appropriate regulatory action.

Definition: For List A chemical cases, this would be the mail out of a Data Call In (DCI) as a result of the inventory. For Lists B, C and D, this would be the Phase 4 DCI mailout.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticides

GOAL: Risk Reduction

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P-2 Publication of reregistration eligibility document or "other appropriate regulatory action".

Definition: For all lists this would be the Phase 5 determination required by Section 4(g)(2)(A) as to whether pesticides containing a given active ingredient are eligible for reregistration. For chemicals deemed eligible for reregistration, the document would be the equivalent of a registration standard and would also call in product specific data. For those B/C/D chemicals, and List A chemicals following the inventory based DCI, which are deemed ineligible there may be a range of actions from another DCI, to a referral, to special review. Whatever the "non-eligibility" determination is it would be announced in the FR and would be a completion under this measure.

P-3 Product specific reregistration.

Definition: A determination that a pesticide meets the requirements of section 3(c)(5).

FY 91 Target: This step doesn't take place until up to 14 months after the determination of eligibility for reregistration so a target was not established for FY 91. (Included here for completeness of understanding of process. This will be a measure in FY 92.)

P-4 Special Review Decisions

Definition: The nature of Special Review accomplishments keeps expanding due to the types of problems encountered and the Agency's resolution of them. Major tolerance actions based on ADI exceedences are the equivalent in terms of the amount of work it takes to complete them, the nature of the hazard posed and the degree of public health protection afforded. Major Federal Register status reports, similar to what is being prepared for 2,4-D, are also resource intensive and serve much the same purpose as Position Documents in keeping the public informed of our findings. Thus, the definition of Special Review has been expanded to include final resolutions decisions for items #5 and #6:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticides

GOAL: Risk Reduction

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Pesticide Special Review Decisions - Special Review decisions include the issuance of the position documents listed below or the following final resolutions:

1) returning the chemical to the pesticide registration process
   a) after deciding not to initiate a Special Review before a Grassley-Allen letter is issued
   b) after deciding not to initiate a Special Review subsequent to the issuance of a Grassley-Allen letter.

2) voluntary cancellation by the applicant,

3) cancellation or suspension of the Special Review by EPA, or

4) a negotiated settlement on modifications to the terms and conditions of the registration with the registrant whether the chemical:
   a) is in Special Review, or
   b) being considered for Special Review

5) A revocation or revision of a tolerance based on the issuance of a proposed or final decision.

6. A major status report explaining the Agency's position on a chemical or class of chemicals, either in Special Review or being considered for Special Review, or interpretation of Special Review criteria.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticides

GOAL: Risk Reduction

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The position documents are:

PD-1: reviews the available scientific data and addresses whether a chemical has met or exceeded Special Review risk criteria (if a chemical does not exceed the criteria, it is typically returned to the registration process). A PD-1 is considered completed when the Federal Register notice has been signed by the AA.

PD-2: promulgates the decision to cancel or suspend the Special Review process. After a PD-1 has been issued.

PD-2/3: analyzes the risks and benefits of the Special Review chemicals and any alternatives to the various uses of the chemical, identifies feasible regulatory options, and proposes a decision. A PD-2/3 is considered completed when the Federal Register notice has been signed by the AA.

PD-4: reflects the Agency's final decision. The PD-4 incorporates comments received on the PD-2/3 from the FIFRA Scientific Advisory Panel, the Department of Agriculture and other public responses, along with appropriate analysis of the comments. The PD-4 typically calls for continued registration with certain terms and conditions or cancellations for some or all uses of the pesticide or pesticides. A PD-4 is considered completed when the Federal Register notice has been signed by the AA.

P-5 Complete Final Decision on New Active Ingredients and Applications for Registration and Tolerances. OPP defines the following as "final decisions" for purposes of measuring performance in the pesticide registration program:

a) withdrawal by applicant
b) denial of registration
c) unconditional registration
d) conditional registration

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticides

GOAL: Risk Reduction

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P-5A Report on the number of final decisions on New Active Ingredients (New Chemical/New Biochemical/Microbiological) administratively targeted to be completed within the quarter.

New Chemicals - Applications for registration of a pesticide active ingredient that is not currently registered under FIFRA. Final decisions may result in denial, unconditional registration, conditional registration, or administrative withdrawal.

NOTE: Registration of a food-use chemical, i.e. of a chemical that might leave a residue on a food or feed item, requires the establishment of a tolerance or exemption from tolerance.

New Biochemical/Microbiological - Application for registration of new biochemical or microbial products not currently registered with the Agency, whether for food use or non-food use. Included under these activities are:

- Biochemical (pheromone, insect or plant growth regulators and hormones used as pesticides).

- Microbial (viruses, bacteria, protozoa and fungi -- any living organism introduced into the environment to control the population or biological activities of another life form that is considered a pest under FIFRA).

- Biotechnical products (genetically engineered microbial pesticides, or GEMP). Each biotechnical product will undergo a risk assessment and risk/benefit analysis.

NOTE: As with other new pesticides, registration of a new food-use biochemical requires the establishment of a tolerance level or an exemption.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticides

GOAL: Risk Reduction

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P-5B Provide number of final decisions on Old Chemical Applications administratively targeted to be completed within the quarter, and the number actually completed.

Old Chemicals - Applies to applications for registration of new products containing pesticide active ingredient chemicals and biologicals which have previously been registered. Old chemical "change" applies to applications in which there is a significant change in formula or use pattern. "Me too" applications deal with chemicals and biologicals whose formulation and use patterns are identical or substantially similar to those previously registered.

P-5C Provide number of final decisions on Amended Registration Applications administratively targeted to be completed within the quarter and the number actually completed.

Amended Registrations - Changes to an existing registration not including notifications or significant new uses.

P-5D Provide number of final decisions on New Use Applications administratively targeted to be completed within the quarter, and the number actually completed.

New Uses - Any major changes involving new uses of old products.

P-6 Provide number of final decisions on Emergency Exemptions to be completed by quarter:

Emergency Exemption - An exemption from the normal registration requirements of FIFRA which is granted by a Federal or State agency if EPA determines that emergency conditions exist, (e.g., a pest outbreak is identified and no effective pesticide is registered for the particular use).

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticides

GOAL: Risk Reduction

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P-7 Provide number of final decisions on Tolerance Petitions targeted to be processed during the quarter:

FFDCA Tolerance Petition Decision - applies to all requests for tolerance levels and exemptions from requirement of a tolerance for pesticide residues in or on raw agricultural commodities, processed foods and minor uses. EPA is required by law to process tolerance petitions in 180 days; however, OPP has set an administrative deadline of 240 days to better reflect increases in the complexity of submissions.

# OFFICE OF TOXIC SUBSTANCES

# FY1992 MEASURES AND DEFINITIONS

# FOR THE

# STRATEGICALLY TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances (HQ)

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

---

OBJECTIVE: Reduce risk by imposing controls as necessary on new chemicals prior to their entering into commerce.

ACTIVITY: New Chemical control activities - regulatory

MEASURE: Report the number of control actions taken which include consent or unilateral §5(e) orders, §5(f) orders and withdrawals in face of §5(e) or §5(f) action.

STARS CODE: T-1
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

MEASURE: Report the cumulative number of TSCA §5(e) orders for biotech and new chemical PMNs versus the cumulative number of new chemical SNURs.

STARS CODE: T-1
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances (HQ)

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

---

OBJECTIVE: Initiate and promulgate actions to reduce the risks from hazardous existing chemicals. Initiate actions to limit new uses and, thus, exposure to existing chemicals anticipated to pose an unreasonable risk from their new uses.

ACTIVITY: Existing Chemical control activities - regulatory.

MEASURE: This measure will report separately on the number of chemicals addressed by proposed and final risk management actions taken to reduce risk of existing chemicals under TSCA §5, 6, and 9.

STARS CODE: T-2
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances (HQ)

**GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.**

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**OBJECTIVE:** Reduce risk from existing chemicals through discrete, non-regulatory actions.

**ACTIVITY:** Non-regulatory pollution prevention activities.

**MEASURE:** Report the number of chemicals addressed by specific non-regulatory actions.

STARS CODE: T-3
TARGETED:
REPORTED ONLY: Quarters 2, 4
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances (HQ)

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

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OBJECTIVE: Encourage the use of Toxic Release Inventory (TRI) data to promote toxic use reduction activities by ensuring that the TRI database contains high quality, reliable data.

ACTIVITY: TRI Program data quality activities.

MEASURE: Report on numbers of Notices of Noncompliance (NONs) and Notices of Technical Errors (NOTEs) generated and processed as well as numbers of contacts made with facilities regarding suspect technical data.

STARS CODE: T-4
TARGETED:
REPORTED ONLY: Quarters 1, 2
SUNSET:

MEASURE: Provide a summary report on the data quality activities of the state grants program, including the results of any audits conducted.

STARS CODE: T-4
TARGETED:
REPORTED ONLY: Quarter 3
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances (HQ)

**GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.**

---

**OBJECTIVE:** Stimulate pollution prevention and risk reduction by expanding the use of the TRI data by EPA, states and localities, and the private sector.

**ACTIVITY:** TRI data use activities.

**MEASURE:** Report on the number of TRI products distributed by NTIS/GPO, and on the number of searches made to access the TRI data on the National Library of Medicine's TOXNET system.

STARS CODE: T-5
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances (HQ)

**GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.**

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**OBJECTIVE:** Increase the effectiveness of TRI as a pollution prevention stimulant by focusing on a broader spectrum of chemicals and chemical users.

**ACTIVITY:** Revisions to the TRI list of chemicals, and the addition of new Standard Industry Codes (SIC).

**MEASURE:** This measure reports on the number of chemicals added to the TRI list each quarter.

STARS CODE: T-6
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

**MEASURE:** Report on the anticipated number of new facilities covered by the TRI reporting rule as a result of the addition of new SIC codes.

STARS CODE: T-6
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances (HQ)

**GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.**

---

**OBJECTIVE:** To significantly expand the base of toxicity data on chemicals to support risk reduction decisions by EPA and others.

**ACTIVITY:** Chemical Testing, Master Testing List (MTL) activities.

**MEASURE:** Report on the number of chemicals currently undergoing testing as a result of TSCA §4 actions taken this fiscal year.

STARS CODE: T-7
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

**MEASURE:** Report on the number of chemicals undergoing testing as a result of EPA involvement in non-regulatory actions.

STARS CODE: T-7
TARGETED:
REPORTED ONLY: Quarter 2 & 4
SUNSET:

**MEASURE:** Report on the number of chemicals added to the Master Testing List. Report on the number of chemicals removed from the Master Testing List.

STARS CODE: T-7
TARGETED:
REPORTED ONLY: Quarter 4
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances (RT)

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND PROMOTE POLLUTION PREVENTION.

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OBJECTIVE: Promote the implementation of state accreditation programs pursuant to AHERA Section 206(c)(2) which are at least as stringent as the EPA Model Plan.

ACTIVITY: EPA-approved state accreditation programs (asbestos)

MEASURE: Specify the number of EPA-approved state programs in each Region. Each quarter report: (1) the number of states within the Region which have full EPA approval of all five accredited disciplines; (2) the number of states within the Region which have only partial EPA approval of their state accreditation program (for less than all five AHERA disciplines.)

STARS CODE: T-8
TARGETED:
REPORTED ONLY: Quarterly (cumulative)
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances (RT)

**GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.**

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**OBJECTIVE:** Assess state PCB program enhancement progress and activities.

**ACTIVITY:** State PCB enhancement activities

**MEASURE:** Provide a report on states in the Region describing current state PCB programs. [Please note this measure requests the same information as the FY90 T-11 measure.] Regions need only to report any new or additional information.

STARS CODE: T-9
TARGETED:
REPORTED ONLY: Quarter 2
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances (RT)

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

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OBJECTIVE: Highligh Regional outreach efforts and provide a forum to report innovative Regional projects.

ACTIVITY: Regional Toxic program outreach activities.

MEASURE: Report on innovative Regional initiatives, with a focus on highlighting outreach activities, cross-program or program specific in nature.

STARS CODE: T-10
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

## T-1 NEW CHEMICAL CONTROL ACTIVITIES - REGULATORY

Chemical companies are required to notify EPA prior to the manufacture of any new chemical. This premanufacture notification (PMN) provides EPA with an opportunity to review the chemical and impose whatever controls or restrictions are necessary to protect human health and the environment, prior to the chemical entering into commerce. Consequently, the PMN review process provides the Agency's major opportunity for pollution prevention with respect to toxic chemicals in commerce.

This measure reports on the number of control actions taken on new chemicals which pose a threat to public health or the environment. Risk estimates associated with PMN chemicals are based on intended uses specified in the PMNs. However, once a chemical is in commerce it becomes an existing chemical and other uses could be adopted that would be unaddressed by the PMN review. To prevent this occurence EPA can issue a significant new use rule (SNUR) to require a PMN submission for any uses not identified in the original PMN submission. As a second pollution prevention tool for new chemicals, OTS intends to issue a SNUR following each TSCA 5(e) order.

## T-2 EXISTING CHEMICAL CONTROL ACTIVITIES - REGULATORY

This measure will provide reports on actions taken on existing chemicals under TSCA authority sections 5(a)(2), 6, and 9. The actual reporting unit will be the number of chemicals affected by these actions. Proposed as well as final actions are being reported because a significant amount of risk management action can occur as a result of proposal to the point that no promulgation is necessary or justified.

TSCA §6 provides EPA with the authority to control a chemical as a hazardous substance if the Agency finds that there is a reasonable basis for concluding that the chemical presents or will present an unreasonable risk.

TSCA §5(a)(2) defines significant new uses for an existing chemical that would be subject to §5 requirements when specific criteria are met.

TSCA §9 authorizes EPA to refer regulation of chemical risks to other agencies.

## T-3 NON-REGULATORY POLLUTION PREVENTION ACTIVITIES

Prior to having a full characterization of risk on which to base regulatory actions, a number of actions can be taken which encourage risk reduction on the part of manufacturers and users of toxic chemicals. Examples include letters to manufacturers or users alerting them of the risk; listing of chemicals on the Master Testing Listing. These types of non-regulatory actions can be particularly effective in encouraging voluntary pollution prevention and toxic use reduction activities.

## T-4 TRI PROGRAM DATA QUALITY ACTIVITIES

To encourage, to the greatest extent possible, the use of TRI data by states, localities, and industry, OTS has two efforts underway to increase confidence in the quality and reliability of the data. These efforts are:

(1) An aggressive compliance effort directed at non-reporting or mis-reporting of data by facilities.

(2) A grant program directed at states to support quality control audits to ensure that emissions data submitted to EPA by facilities is accurate. To facilitate these audits, initially awarded in September, 1990, EPA will provide approximately 30 states with start up grants to initiate state level data quality assurance efforts.

This measure reports on numbers of actions generated by headquarters which require correction of errors or review of suspect data. It also reports on actions taken by states to ensure that emissions data submitted to EPA by facilities is accurate.

## T-5 TRI PROGRAM DATA USE ACTIVITIES

TRI provides a new window for identifying and addressing multi-media and multi-chemical risks. We believe that during the early years of the TRI program the more we can stimulate and facilitate the use of the database, the more pollution prevention and risk reduction will occur. Given that this is technical data which cannot be easily understood or used by the lay-public, we believe that the rate of access is a good surrogate for level of use.

EPA has selected the National Library of Medicine's TOXNET system as the method to disseminate the TRI data on-line. Summaries and analyses of the data are provided in a National Report and the data is also provided to the public via the Title III Reporting Center. In addition, EPA has decided to produce and market the TRI data via computer tapes, compact disks (CD-ROM), microfiche, and computer diskettes. This measure will provide quarterly reports on the status of these efforts.

## T-6 TRI LIST REVISION ACTIVITIES

The effectiveness of TRI as a pollution prevention stimulant can be increased as the inventory focuses on a broader spectrum of chemicals and chemical users. To accomplish this, revisions to the TRI reporting rule can be added as well as additions to the number of Standard Industry Codes (SIC) required to report.

This measure will identify changes to the TRI program by reporting the number of chemicals added to the list and the anticipated number of new facilities covered by the addition of new SIC codes.

## T-7 CHEMICAL TESTING, MASTER TESTING LIST ACTIVITIES

The Master Testing List will be EPA's mechanism for identifying and prioritizing chemicals in need of testing. Chemical testing may be required as a result of TSCA Section 4 actions, or prompted by EPA involvement in non-regulatory actions. Test results will provide EPA with information used to determine whether risk management actions are necessary for specific chemicals.

This measure reports on: (1) the number of chemicals undergoing testing as a result of TSCA §4 actions, (2) the number of chemicals undergoing testing as a result of non-regulatory activities, (3) the number of chemicals newly entered on the Master Testing List and, (4) the number of chemicals removed from the list through testing under Section 4 of TSCA or other means.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Office of Toxic Substances, Definitions (RT)

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T-8 EPA-APPROVED STATE ACCREDITATION PROGRAMS (ASBESTOS)

The universe is comprised of all EPA-approved state accreditation programs in any of the states or territories. Reporting will indicate the total number of currently approved programs in each quarter, hence the Regional status of approved state programs.

The Number of States with Full Approval refers to those state accreditation programs which have EPA approval for all five Model Plan disciplines (Worker, Contractor/Supervisor, Inspector, Management Planner, Project Designer.) This is a subset of the defined universe, and taken toghether with partial state approvals will equal the total number of state programs which have "formal EPA approval."

The Number of States with Partial Approval refers to those states which have EPA approval for on ne or more of the Model Plan disciplines, but not all five. This is a subset of the defined universe, and taken together with full state approvals will equal the number of state programs which have "formal EPA approval."

Action: Regions will report quarterly on a per-discipline basis, all state/territory accreditation programs developed. The numbers reported each quarter should reflect the cumulative total.

T-9 STATE PCB ENHANCEMENT ACTIVITIES

This measure applies when any additional or new state PCB activities or initiatives have been added to the program. The PCB report describing each state in the Region's current PCB state enhancement program should include any new initiatives in the following PCB enhancement areas:

- Provide a list and supporting documentation for states which currently regulate PCBs under RCRA.
- Provide a list of states that have PCB regulations in place and copies of the regulations.
- Provide any agreements that the Regions may have with your states (i.e., Region V has an agreement with Ohio concerning inspections.)
- List any activities in the states (i.e., any inspections, clean-up, etc.)

## T-10 REGIONAL TOXIC PROGRAM OUTREACH ACTIVITIES

Any Regional efforts which informs industry, state or local government, or the general public about Toxics programs. Examples include, but are not limited to, seminars, meetings, publications, and training.

Action: This measure will be reported on a quarterly basis. The Regions will report as project initiatives are developed and/or completed.

# OFFICE OF COMPLIANCE MONITORING

# FY1992 MEASURES AND DEFINITIONS

# FOR THE

# STRATEGICALLY TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticide Enforcement

GOAL

**OBJECTIVE:** Achieve and Maintain High Level of Compliance

**ACTIVITY:** Inspections for Significant Activities and Compliance Rates

**MEASURE:** Specify the cumulative number of State inspections, including inspections at Federal Facilities, in the following categories identified on EPA form 5700-33H and the number of EPA inspections (Regions 7 and 8 only) in comparable categories:** P/E - 1

- o agricultural use
- o agricultural follow-up
- o nonagricultural use
- o nonagricultural follow-up
- o restricted use pesticide dealers

- o Specify the cumulative number of State and EPA enforcement actions and/or proceedings in the same categories (above)***

- o Specify the cumulative number of comprehensive State inspections which include compliance monitoring for worker protection, and suspended/cancelled pesticides.

* All Federal data will be reported quarterly in real time. All State data will be reported quarterly, one quarter out of phase.

** Requires quarterly targets for inspections.

*** Warning letters should be reported separately from all formal enforcement actions.

**OFFICE OF PESTICIDES AND TOXIC SUBSTANCES**
**FY 1992**
**Program Area: Pesticide Enforcement**

**GOAL** _____

**OBJECTIVE:** Achieve and Maintain Actions

**ACTIVITY:** EPA Enforcement Actions

**MEASURES:** Specify on a cumulative basis:

- o numbers of administrative complaints issued P/E - 2
- o number of warning letters
- o numbers of SSUROs, recalls, and import detentions
- o civil and criminal referrals (retrieved from OE Docket system)

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticide Enforcement

GOAL: _____

**OBJECTIVE:** Achieve and Maintain a High Level of Compliance

**ACTIVITY:** Significant Violator - State Primacy (Dynamic Base)

**MEASURE:** For referrals under Section 27 designated as significant in accordance with the procedures set forth in 40 CFR 173 (procedures governing referrals), specify on a cumulative basis: P/E - 3

- o total number of referrals
- o number of referrals pending (timeframe not elapsed)
- o number of referrals addressed within timeframe
- o number of referrals addressed beyond timeframe

**ACTIVITY:** Significant Noncompliance - EPA (New and old cases)

**MEASURE:** For the present FY and for all outstanding prior year violations, specify the number of: P/E - 4

- o significant noncompliance violations detected
- o significant noncompliance cases issued
- o significant noncompliance cases closed

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticide Enforcement

GOAL: _____

**OBJECTIVE:** Achieve and Maintain a High Level of Compliance

**ACTIVITY:** Significant Noncompliance Case Issuance - Federal Case*

**MEASURE:** For SNC cases issued, specify on a cumulative basis: P/E - 5

- o number of SNC cases issued*
  - in 0 to 180 days of inspection date
  - in 181 or more days of inspection date

*Regional targets will be required

**ACTIVITY:** Cases with Pollution Prevention

**MEASURE:** Specify on a cumulative basis, the number of cases containing one or more Environmentally Beneficial Expenditure (EBE). P/E - 6

*Regional targets will be required for this measure.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Toxic Substances Enforcement

GOAL

**OBJECTIVE:** Achieve and Maintain a High Level of Compliance

**ACTIVITY:** Inspections and Compliance Rates

**MEASURE:** Specify on a cumulative basis: T/E - 1

- o number of EPA and State inspections conducted*
- o number inspections for which case review is completed
- o number of inspections found in violation

**ACTIVITY:** Enforcement Actions

**MEASURE:** Specify on a cumulative basis: T/E - 2

- o number of administrative complaints issued
- o number of notices of noncompliance issued
- o number of civil and criminal referrals (retrieved from OE Docket system)

**ACTIVITY:** Significant Noncompliance, EPA (New and old cases)

**MEASURE:** For the present FY and for all outstanding prior year violations, specify the cumulative number of: T/E - 3

- o significant noncompliance violations detected
- o significant noncompliance cases issued
- o significant noncompliance cases closed

* This measure requires quarterly targets.

**OFFICE OF PESTICIDES AND TOXIC SUBSTANCES**
**FY 1992**
**Program Area: Toxic Substances Enforcement**

**GOAL** _____

**OBJECTIVE:** Achieve and Maintain a High Level of Compliance

**ACTIVITY:** Significant Noncompliance Case Issuance - EPA Cases

**MEASURE:** For SNC cases issued specify on a cumulative basis: T/E - 4

- o number of SNC cases issued*
- in 0 to 180 days of inspection date
- in 181 or more days of inspection date

**ACTIVITY:** Federal Facilities

**MEASURE:** Achieve and maintain a high level of compliance in Federal facilities T/E - 5

Specify separate data on Federal Facilities for T/E -1, T/E - 2, T/E-3 and T/E-4, as a subset of totals.

* Regional targets will be required for certain cases under this measure.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Toxic Substances Enforcement

GOAL: _____

**OBJECTIVE:** Achieve and Maintain a High Level of compliance

**ACTIVITY:** New Enforcement Initiatives — T/E - 6

**MEASURE:** Specify on a cumulative basis for the Hexavalent/Chromium and Asbestos Ban and Phase Out initiatives:

- o number of inspections conducted
- o number of inspections found in violation

**ACTIVITY:** Cases with Pollution Prevention

**MEASURE:** Specify on a cumulative basis, the number of cases containing one or more Environmentally Beneficial Expenditure (EBE). — T/E 7

# OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
## FY 1992
## Program Area: EPCRA Section 313 Enforcement

GOAL

**OBJECTIVE:** Achieve and Maintain a High Level of Compliance

**ACTIVITY:** Inspections and Compliance Rates

**MEASURE:** Specify on a cumulative basis: E/E/ - 1

- o number of EPA inspections conducted*
- o number of inspections for which case review is completed
- o number of inspections found in violation

**ACTIVITY:** Enforcement Actions

**MEASURE:** Specify on a cumulative basis: E/E - 2

- o number of administrative complaints issued
- o number of civil and criminal referrals (retrieved from OE Docket system)

**ACTIVITY:** Significant Noncompliance EPA (New and old cases)

**MEASURE:** For the present FY and for all outstanding prior year inspections, specify the cumulative number of: E/E - 3

- o significant noncompliance violations detected
- o significant noncompliance cases issued
- o significant noncompliance cases closed

* This measure requires quarterly targets.

* This measure requires quarterly targets.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: EPCRA Section 313 Enforcement

GOAL

**OBJECTIVE:** Achieve and Maintain a High Level of Compliance

**ACTIVITY:** Significant Noncompliance Case Issuance - EPA Cases

**MEASURE:** For cases issued, specify on a cumulative basis: E/E - 4

- o number of SNC cases issued*
  - in 0 to 180 days of inspection date
  - in 181 or more days of inspection date

**ACTIVITY:** Cases with Pollution Prevention

**MEASURE:** Specify on a cumulative basis, the number of cases containing one or more Environmentally Beneficial Expenditure (EBE). E/E - 5

*Regional targets will be required for this measure.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances

**GOAL: TO REPORT ON THE NET INCREASE OR DECREASE OF PCBS WHICH CONTRIBUTE TO UNREASONABLE RISK.**

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**ENVIRONMENTAL INDICATOR: PCB Indicator**

**DEFINITION:** This indicator compares the amount of PCBs retired from service (and placed in storage) with the amount of PCBs properly disposed of. These numbers can then be used to calculate the net increase/decrease of PCBs contributing to unreasonable risk. OTS will report annually.

**DATA SOURCE:** Section 761.180(b)(3) of the PCB Notification and Manifesting Rule requires the owner or operator of a PCB disposal or commercial storage facility to submit an annual report to the Regional Administrator which summarizes information on the types and quantities of PCB waste disposed of or placed into storage for disposal during the calendar year. This report is to be submitted each year (by July 15 for the previous calendar year) until the facility is closed.

From these reports, EPA will be able to determine how well PCBs are being managed on a nationwide basis, by analyzing and reporting data on the quantities of PCBs slated for disposal and the actual amounts disposed of during each calendar year.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Office of Toxic Substances

**GOAL: TO REPORT THE AGGREGATE EMISSION TREND OF TOXIC CHEMICALS FROM U.S. INDUSTRY.**

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**ENVIRONMENTAL INDICATOR:** Toxic Chemical Release Index

**DEFINITION:** This indicator is a national figure based on the aggregated annual release of selected TRI chemicals. OTS will release this figure annually.

**DATA SOURCE:** Facilities covered by the TRI reporting rule submit annual reports to EPA on the emissions of TRI chemicals. By choosing a select set of "indicator chemicals" OTS will develop an empirically-driven indicator that will reflect chemical emission trends like the Dow-Jones Average reflects the behavior of the stock market. The metric will be the aggregate measure of the emission of the indicator chemicals calculated on an annual basis. This indicator can capture emissions across media, as well as reductions voluntary achieved by industry and those that result from government action.

OFFICE OF PESTICEDES AND TOXIC SUBSTANCES
FY 1992
Program Area: Pesticides

GOAL:

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ENVIRONMENTAL INDICATOR: Several feasibility assessments for establishing environmental indicators are in progress. Concensus on final indicators will depend heavily on available resources. Possibilities for sharing resources with other programs for several potential indicators are currently being investigated. Following is a listing of indicators that will be considered for implementation:

DEFINITION: Ecological Indicators: Ecological Hazard Risk Index and Usage Patterns, Biological Community/Species Monitoring, Pesticide Poisoning and Incidence, Reporting, Pesticide Residue Monitoring

Human Health Indicators:

Food Safety - Number of Tolerance Exceedances on selected Commodities, Dietary Residue levels(per AI per crop) on selected Commodities, Drinking Water(ground water)quality

Worker Protection - Number of Poisonings and Specific Health Effects, Pesticide Usage by Toxicity, Evaluation of Compliance data as potential basis for indicators

Environmental Exposure - Disposable/Refillable Containers, Recycling of Pesticide Containers

Urban - Trends in Usage, Lawn Care(commercial and non-commercial), Indoor Exposure, Government Sponsored/Licensed Programs(e.g., fogging)

DEFINITION: Feasibility assessments for most of the indicators are currently undergoing review. Final concensus has not yet been completed for implementation programs at this date. Recommendations for implementation are currently being discussed.

DATA SOURCE: The feasibility assessments have identified data sources for each indicator. Implementation of environmental indicators will take into consideration the type and cost of data available as well as its compatability with related data.

nting Rules for Multi-Media Civil Judicial Enforcement Cases (for public accounting purposes, not resources distribution purposes)

Multi-media referrals are those civil judicial cases where (a) more than one statute is to be cited in complaint, and (b) the different citations pertain to discrete, significant pollution problems. Contractive examples of "discrete" pollution problems are: (1) the same facility has smokestack emissions violation of applicable SIP limits, and a hazardous waste storage area with leaking drums, and an decent discharge into a river for which it holds no NPDES permit. There are three "discrete" pollution problems, there is only one "discrete" pollution problem. Illustrative examples of "significant" pollution problems are: (1) any violation which qualifies under EPA program office guidance as a Significant Non-Cosier (SMC) violation is a "significant" pollution problem for the purposes of this counting rule; (2) the requiring remediation under RCRA Section 3008(a) or response under CERCLA Section 104 or 106 is a "significant" pollution problems.

For multi-media cases two numbers will be reported: (1) the total number of multi-media cases referred DOJ for filing; and (2) the number of statutes cited in the complaint. A chart will be prepared to lay the frequency with which particular statutes are cited. For the purposes of this report CWA/NPDES CWA/404 will be considered different statutes.

OFFICE OF ENFORCEMENT
FY 1992
STARS REPORTING

-6 Report on criminal referral activity and the strategic value of cases:

Open Investigations

The agent determines that evidence may exist that shows the violation of an environmental statute or regulation. A preliminary investigation results in the opening of a case. A project number is requested from OCI and all investigatory activities are charged to that number. An OCI docket number is assigned and a case form is submitted for entering the investigation in the EPA Criminal Docket. Subsequent activities are charged against the project number and described in the EPA Criminal Docket.

Investigations Closed Prior to Referral to EPA-OCE

Investigation has shown: that the allegations were unfounded, the case should be referred for administrative civil action, the case should be referred to another agency or law enforcement office, or there is lack of prosecutorial merit. Includes cases in which the investigation is suspended and the information in the closed is retained for intelligence purposes.

-7 Report on follow-through on active criminal case docket

Fixed Universe

All criminal cases at DOJ/USA or filed in court at the beginning of the fiscal year (1990) are included in fixed universe. Cases do not enter or exit the fixed universe after October 1, 1989. The purpose is to measure the federal government's progress in moving cases through DOJ and the court system to conclusion (i.e., closed following prosecution and closed without prosecution) by taking a snapshot of the fixed universe at the beginning of year and at the end of each quarter. Progress in getting this years number of BOY fixed based cases through DOJ and the courts this year will be compared to the same information collected in FY 1989 to identify bottlenecks in the DOJ/judicial process.

OFFICE OF ENFORCEMENT
FY 1992
STARS REPORTING

## Final Compliance Determinations

I cases where the final compliance date in the decree has been reached and the source is not meeting the final compliance limits or conditions of the decree, the decree shall be reported in category (c), (d) or (e) of E/C-1, depending on the circumstances. If the Regional Office has determined that the source will be able to meet the final terms of the decree, and enforcement action is planned, the Region will continue to report the decree in category (d) until one acceptable enforcement actions previously defined has been commenced. At that time, the decree will be reported as violation with enforcement action commenced until it is returned to compliance with the decree. If the Region has determined that the final terms of the decree will be met, the Region will report the violation in category (e) as in violation with no action planned at this time. When the final terms of the decree are met, the decree will be reported in the compliance category.

## Consent Decree Tracking for Multiple Facility Consent Decrees

Consent decree covering more than one facility will be reported as a single consent decree. Actions taken to address violations at more than one facility covered by the same decree will be reported and counted individually for internal Agency accountability and resources distribution purposes as one decree. The Regional actions against multiple facilities covered by the same decree will be accounted or in the significant noncomplier lists and the enforcement actions tracked in STARS.

-2 Pre-Referral Negotiation (PRN) Cases - Pre-referral negotiation cases are ones in which settlement negotiations are begun prior to the referral of a formal litigation report to DOJ and the filing of a complaint.

1. A PRN case is counted as "initiated" when a pre-referral/mini litigation report is submitted to DOJ.

2. A PRN case is counted as a new "civil referral" when either a final draft consent decree or a full litigation report is referred to DOJ.

3. A new PRN case, "initiated" during the fiscal year, may later be counted as a civil referral per #2 above. It will not count, however, in both.

OFFICE OF ENFORCEMENT
FY 1992
STARS REPORTING

Report on the compliance status of EPA consent decrees each quarter. Included name and number of:

a. Active consent decrees
b. Active consent decrees in compliance
c. Active consent decrees in violation where formal enforcement action has commenced
d. Active consent decrees in violation where formal enforcement action is planned but has not yet commenced.
e. Active consent decrees in violation with no action planned at this time

DEFINITIONS:

Reportable Violation

A decree will be reported as in violation if any term or condition of the decree is not complied with.

Appropriate Enforcement Action

Formal enforcement actions include motions for contempt, motions to enforce the order, motions for specific performance, collection of penalties, decree modifications and contractor listing. These actions will be counted in the enforcement action commenced category when they are referred by the Regions to Headquarters or directly to the Department of Justice, in accordance with OE referral procedures. Less formal actions such as demand letters, formal warning letters, etc., are not included in the list of appropriate action. A pending violation means no action had been taken or that the violation is in the first stages of being addressed (e.g., the source was sent a demand letter).

Show number of consecutive quarters consent decrees have been listed in each category.

# OFFICE OF ENFORCEMENT
## FY 1992

| OBJECTIVE | MEASURES | |
|---|---|---|
| Port on status of consent free compliance to ensure low through on EPA forcement actions. | CONSENT DECREE TRACKING<br><br>Report on the compliance status of EPA consent decrees by Region and statute each quarter. Regional reports include the names and numbers of:<br><br>a. Active consent decrees<br>b. Active consent decrees in compliane<br>c. Active consent decrees in violation where formal enforcement action has commenced<br>d. Active consent decrees in violation where formal enforcement action is planned but has not commenced<br>e. Active consent decrees in violation with no formal enforcement action planned or necessary | STARS CODE: E/C-1<br>TARGETED:<br>REPORTED ONLY: X<br>SUNSET: |
| Complete HQ review of proposed Consent Decrees hin an average timeframe. | PROPOSED CONSENT DECREE REVIEW TIME<br><br>Report quarterly on the average review time by HQ for proposed consent decrees (by Statute) (target = 35 days). OE reports on the:<br><br>- Number of consent decrees reviewed by OE and forwarded to DOJ<br>- Number of consent decrees reviewed by OE and declined or returned to the Regions<br>- Average review time in days<br>- Range of time needed to review consent decrees (minimum and maximum) | STARS CODE: E/C-2<br>TARGETED: X<br>REPORTED ONLY:<br>SUNSET: |

OFFICE OF ENFORCEMENT
FY 1992

| OBJECTIVE | MEASURES | |
|---|---|---|
| Provide support to program offices and Regions in developing new referrals of high quality. | CIVIL<br><br>REFERRAL ACTIVITY AND STRATEGIC VALUE OF CASES<br><br>Report quarterly on the cumulative number of EPA civil actions. Report the total of all programs for the following:<br><br>- New referrals to HQ from Regions (cumulative)<br>- New direct referrals to DOJ from Regions (including re-ferred PRN's) (cumulative)<br>- New pre-referral negotiations cases initiated (cumulative)<br>- Consent decree enforcement cases (cumulative) | STARS CODE: E/C-3<br>TARGETED:<br>REPORTED ONLY: X<br>SUNSET: |
| Provide support to program offices, Regions, and the Department of Justice in bringing high quality cases to a timely conclusion. | FOLLOW-THROUGH ON ACTIVE CASE DOCKET<br><br>Pre-FY 1990 Universe<br>Specify the number of civil cases pending at the Department of Justice or filed in the Courts at the beginning of the fiscal year (including direct referrals). Each quarter, report current status of cases by statute:<br><br>Cases concluded after filing<br>Cases concluded before filing<br>Cases filed in court<br>Cases pending at the Department of Justice or at the U.S. Attorney | STARS CODE: E/C-4<br>TARGETED:<br>REPORTED ONLY: X<br>SUNSET: |

# OFFICE OF ENFORCEMENT
# FY 1992
# STARS REPORTING

## Dynamic Universe

All cases referred the DOJ after the beginning of the fiscal year (October 1, 1989) are included in the dynamic universe. The measure reports at the end of each quarter the cumulative number of new cases referred to DOJ (i.e., the dynamic universe to date) and the status of these cases in the DOJ/judicial process. Progress in moving new cases through DOJ and the court system will be compared to the same information collected in FY 1989.

The Fixed and Dynamic Universe measures (E/C-7 and C-8) tracks the movement of the cases through the key stages of the criminal enforcement system by placing fixed points of measurement on a continuously revolving system, i.e., on any given day new cases are opened and other cases are closed. The E/C-13 measure reports the end results of our FY 1990 enforcement efforts by indicating the total number of cases closed, defendants charged, convicted, acquitted or dismissed during the year (a combined total of fixed and dynamic).

OFFICE OF ENFORCEMENT
FY 1992

OFFICE OF FEDERAL FACILITIES ENFORCEMENT
DEFINITIONS

__sfactorily address:

Problem may be addressed through the A-106 process, thus:
the facility has proposed an A-106 project which is adequate to correct the identified problem; or

Potential compliance problem may be addressed through other means, thus:
problem has been corrected and facility already returned to physical compliance; or the facility is correcting the identified problem through the use of existing funds of some means other than the A-106 process.

The potential compliance problem identified during the first quarter is not actually present in the ability at this time, the reported SPMS number for first quarter will be adjusted to show that the problem not exist.

Statue A-106 projects: Federal agency pollution abatement project which has been submitted to EPA Regional Office for review and determined by EPA to be adequate in terms of engineering, cost and timeliness recent or correct compliance problems.

Violation Rate: Report the names of those Federal facilities which have been inspected by EPA or States improve self-reported violations, and whether they have subsequently received a written EPA or State formal development action (e.g., a consent order or compliance agreement) or a informal enforcement response to a warning letter or notice of violation (NOV)).

OFFICE OF ENFORCEMENT
FY 1992

| OBJECTIVE | MEASURES | |
|---|---|---|
| Provide information on the closely disposition of cases. | AVERAGE TIME<br><br>CIVIL<br><br>Report the average time from initiation to disposition of cases concluded (with a consent decree or litigation) in FY 1990 (Q4 only). | STARS CODE: E/C-9<br>TARGETED:<br>REPORTED ONLY: X<br>SUNSET |
| | CRIMINAL<br><br>Report the total number of referrals during the fiscal year (Q4 only):<br><br>- Average time from opening of criminal investigation to referral to OCE<br>- Average time from referral to DOJ (the date until charges filed | STARS CODE: E/C-10<br>TARGETED:<br>REPORTED ONLY: X<br>SUNSET: |
| Provide support to Program offices, Regions, and the Department of Justice in setting quality settlements th deterrant impact. | CONCLUSION OF CASES<br><br>SUPERFUND<br><br>Of the Superfund cases concluded since the beginning of the year, report the total number of 106 and 107 case conclusions and joint 106 and 107 case conclusions (Q4 only) | STARS CODE: E/C-11<br>TARGETED:<br>REPORTED ONLY: X<br>SUNSET: |

OFFICE OF ENFORCEMENT
FY 1992

| OBJECTIVE | MEASURES | |
|---|---|---|
| | CIVIL<br><br>Of the number of non-superfund cases concluded after referral to the Department of Justice since the beginning of the year (fixed and dynamic universe) report cumulative total (Q4 only):<br><br>- Number of cases concluded without penalty<br>- Number of cases concluded with penalty<br>- Total penalties assessed | STARS CODE: E/C-12<br>TARGETED:<br>REPORTED ONLY: X<br>SUNSET: |
| | CRIMINAL<br><br>Of the number of criminal disposition since the beginning of the year (fixed and dynamic universe), report the cumulative total by principal statue (Q4 only):<br><br>- Number of referrals resulting in a conviction (plea and verdict)<br>- Number of referrals in which all charges were dismised or all defendants were acquitted<br>- Number of defandants charged<br>- Number of defandants convicted<br>- Number of defandants acquitted or dismissed<br>- Number of defandants sentenced<br>- Amount of fines assessed (before suspension)<br>- Months of incarceration ordered | STARS CODE: E/C-13<br>TARGETED:<br>REPORTED ONLY: X<br>SUNSET: |

OFFICE OF ENFORCEMENT
FY 1992

| OBJECTIVE | MEASURES | |
|---|---|---|
| Provide support to program offices, Regions, and the Department of Justice in managing high quality cases a timley conclusion. | 1990 Referrals<br>Specify the number of new civil cases referred to the Department of Justice since the beginning of the fiscal year (including direct referrals and re-ferred PRNs). Each quarter, report cumulatively by statute:<br><br>- Cases concluded after filing<br>- Cases concluded before filing<br>- Cases filed in court<br>- Cases pending at the Department of Justice or at the U.S. Attorney<br>- Cases returned to Regions | STARS CODE: E/C-3<br>TARGETED:<br>REPORTED ONLY: X<br>SUNSET: |
| Provide support to program offices, NEIC/Office of Criminal Investigations, and a Regions in developing w referrals of high ality. | CRIMINAL<br><br>REFERRAL ACTIVITY AND STRATEGIC VALUE OF CASES<br><br>Report cumulatively by principal statute on the status of EPA criminal actions. Report will include the following (see definitions):<br><br>- Number of new investigations opened<br>- Number of open investigations as of end of quarter<br>- Number of investigations closed prior to referral to OCE<br>- Cumulative number of new referrals to OEC1<br>- Cumulative number of new referrals to DOJ from OE2<br>Cumulative number of cases returned withdrawn, | STARS CODE: E/C-4<br>TARGETED:<br>REPORTED ONLY: X<br>SUNSET: |

OFFICE OF ENFORCEMENT
FY 1992

| OBJECTIVE | MEASURES |
|---|---|
| Provide support to program offices, Regions, NEIC/Office of Criminal Investigations, and the Department of Justice in bringing high quality cases to a timely and successful conclusion. | FOLLOW-THROUGH ON ACTIVE CASE DOCKET<br><br>Fixed Universe<br>Specify the number of criminal referrals in progress at DOJ at the beginning of the fiscal year. Each quarter, report the current status of cases by principal statute.<br><br>- Number of referrals to DOJ by OE<br>- Number of referrals under review at DOJ<br>- Number of referrals under a grand jury investigation<br>- Number of referrals in which charges have been filed<br>- Cumulative number of referrals closed following prosecution<br>- Cumulative number of referrals closed by DOJ without prosecution<br><br>Dynamic Universe<br>Specify the number of new criminal referrals at DOJ since the beginning of the fiscal year. Report cumulatively by principa statute:<br><br>- Cumulative number of referrals to DOJ by OE<br>- Number of referrals under review at DOJ<br>- Number of referrals under a grand jury investigation<br>- Number of referrals in which charges have been filed |

OFFICE OF ENFORCEMENT
FY 1992
Office of Federal Facilities Enforcement

| OBJECTIVE | MEASURES |
|---|---|
| Federal Facilities Compliance Program<br><br>Achieve and maintain high tes of compliance at federal facilities through A-106 pollution statement planning processes. | Report total number of inadequate and additional needed A-106 projects for each media program by compliance class category (i.e., class I, II, or III).<br><br>Report the total number of valid inadequate and additional needed projects (by compliance status category) which have been satisfactorily addressed by affected Federal agencies through adequate A-106 projects in their final A-106 plan submissions or other acceptable means.<br><br>Report the names of those facilities which either failed to respond or provide an unacceptable response to projects identified as inadequate or needed by EPA.<br><br>For each media program, report:<br>a. the number and names of Federal facilities inspected during the quarter, with dates of inspections;<br>b. compliance status of each inspected facility; and<br>c. date and type of enforcement action (with quarterly updates). |

**OFFICE OF ENFORCEMENT**
**FY 1992**
**Office of Federal Facilities Enforcement**

| OBJECTIVE | MEASURES |
|---|---|
| **Federal Facilities Compliance Program** | |
| Achieve and maintain high tes of compliance at federal facilities through e A-106 pollution statement planning process. | Report total number of inadequate and additional needed A-106 projects for each media program by compliance class category (i.e., class I, II, or III).<br><br>Report the total nubmer of valid inadequate and additional needed projects (by compliance status category) which have been satisfactorily addressed by affected Federal agencies through adequate A-106 projects in their final A-106 plan submissions or other acceptable means.<br><br>Report the names of those facilities which either failed to respond or provide an unacceptable response to projects identified as inadequate or needed by EPA. |
| Achieve and maintain a high of compliance of federal facilities through a comprehensive inspection and enforcement program. | For each media program, report:<br>a. the number and names of Federal facilities inspected during the quarter, with dates of inspections;<br>b. compliance status of each inspected facility; and<br>c. date and type of enforcement action (with quarterly updates).<br><br>(There are no targets for the Office of Federal |